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Legislative  
Assembly  
of Ontario



Assemblée  
législative  
de l'Ontario

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## Official Report of Debates (Hansard)

A-23

## Journal des débats (Hansard)

A-23

### Standing Committee on Government Agencies

Intended appointments

### Comité permanent des organismes gouvernementaux

Nominations prévues

2<sup>nd</sup> Session  
41<sup>st</sup> Parliament

Thursday 10 August 2017

2<sup>e</sup> session  
41<sup>e</sup> législature

Jeudi 10 août 2017

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Chair: Cristina Martins  
Clerk: Sylwia Przewdziecki

Présidente : Cristina Martins  
Greffière : Sylwia Przewdziecki



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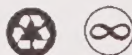
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## LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON  
GOVERNMENT AGENCIES

Thursday 10 August 2017

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES  
ORGANISMES GOUVERNEMENTAUX

Jeudi 10 août 2017

*The committee met at 0902 in room 151.*

**The Clerk pro tem (Ms. Tonia Grannum):** Good morning, honourable members. It is my duty to call upon you to elect an Acting Chair, owing to the absence of the Chair and the Vice-Chair. Are there any nominations? Mr. Dong.

**Mr. Han Dong:** Good morning. I would like to nominate MPP Lorenzo Berardinetti.

**The Clerk pro tem (Ms. Tonia Grannum):** Are there any further nominations? There being no further nominations, I declare nominations closed and Mr. Lorenzo Berardinetti elected as Acting Chair of the committee.

**The Acting Chair (Mr. Lorenzo Berardinetti):** Good morning, everybody, and welcome to a beautiful August 10 here at the Legislative Assembly.

## SUBCOMMITTEE REPORTS

**The Acting Chair (Mr. Lorenzo Berardinetti):** Before we begin our intended appointments review, our first order of business is to consider four subcommittee reports—the first one dated Thursday, June 8, 2017. Mr. Oosterhoff.

**Mr. Sam Oosterhoff:** I move adoption of the subcommittee report on intended appointments dated Thursday, June 8, 2017.

**The Acting Chair (Mr. Lorenzo Berardinetti):** Any discussion? None? All in favour? Opposed? The motion is carried.

We'll go to the subcommittee report dated Thursday, June 22, 2017. Mr. Oosterhoff.

**Mr. Sam Oosterhoff:** I move adoption of the subcommittee report on intended appointments dated Thursday, June 22, 2017.

**The Acting Chair (Mr. Lorenzo Berardinetti):** Any discussion? All in favour? Opposed? The motion is carried.

The subcommittee report dated Thursday, July 6, 2017: Mr. Oosterhoff.

**Mr. Sam Oosterhoff:** I move adoption of the subcommittee report on intended appointments dated Thursday, July 6, 2017.

**The Acting Chair (Mr. Lorenzo Berardinetti):** Any discussion? All in favour? Opposed? The motion is carried.

Subcommittee report dated Thursday, August 4, 2017: Would someone please move the adoption of the report? Mr. Oosterhoff?

**Mr. Sam Oosterhoff:** Mine says "August 3."

**The Acting Chair (Mr. Lorenzo Berardinetti):** It should be August 4.

**Mr. Sam Oosterhoff:** I move the adoption of the subcommittee report on intended appointments dated Thursday, August 4, 2017.

**The Acting Chair (Mr. Lorenzo Berardinetti):** Great. Thank you. Any discussion? All in favour? Opposed? The motion is—

**The Clerk pro tem (Ms. Tonia Grannum):** It actually should be the third; sorry.

**The Acting Chair (Mr. Lorenzo Berardinetti):** It does say the third. Okay.

**The Clerk pro tem (Ms. Tonia Grannum):** Yes, he was right. Can we move that again? Sorry, Mr. Oosterhoff, you were correct. So Thursday, August 3: Can you just read it one more time? You were correct.

**Mr. Sam Oosterhoff:** Absolutely. I move the adoption of the subcommittee report on intended appointments dated Thursday, August 3, 2017.

**The Acting Chair (Mr. Lorenzo Berardinetti):** Great. Thank you. Any discussion? All those in favour? Opposed? The motion is carried.

## INTENDED APPOINTMENTS

## MS. KAREN DRAKE

Review of intended appointment, selected by third party: Karen Drake, intended appointee as member, Human Rights Legal Support Centre for the province of Ontario.

**The Acting Chair (Mr. Lorenzo Berardinetti):** We have a review of intended appointments today. The first one is the intended appointment of Karen Drake, nominated as member, Human Rights Legal Support Centre for the province of Ontario. Please come forward. Good morning, and welcome. You have up to 10 minutes—you don't have to use it all—for your presentation this morning, and then we'll see if there are any questions for you. You can proceed.

**Ms. Karen Drake:** Great. Good morning.

**The Acting Chair (Mr. Lorenzo Berardinetti):** Thank you. Good morning.

**Ms. Karen Drake:** Thank you. Mr. Chair, committee members, I want to begin by expressing my gratitude for considering me for this appointment to the board of the Human Rights Legal Support Centre and for this opportunity to tell you a little bit more about myself. I know



you have my application and my CV so I'm going to make this brief. I'm going to do three things. First of all, I'm going to tell you a little bit more about myself. Then, second, I'm going to tell you why it is that I put forward my name for this appointment. Third, I'm going to summarize my experiences and qualifications, and show how they relate to the position.

First, I'll tell you about myself. I'm a citizen of the Métis Nation of Ontario and I'm currently an associate professor at Osgoode Hall Law School at York University. Now, if you're trying to follow along in my CV, you might be getting a little bit lost because I just recently moved from Thunder Bay to Toronto and started the new position at Osgoode as of July 1, so the application I provided and my CV are already out of date, just to let you know about that.

Before I joined academia, I was in private practice and I had the opportunity to be exposed to a number of different practice areas. I articulated at Cassels Brock, which is a Bay Street law firm. After that, I clerked at the Ontario Court of Appeal. I served as a judicial law clerk and was exposed to a wide variety of practice areas there. After that, I moved back to my hometown of Thunder Bay. In Thunder Bay, I worked in private practice at Erickson and Partners, which is considered to be a small firm so I was involved in small-firm practice. By Thunder Bay standards, it's just an average-sized firm. It's the kind of firm that there is in a small town. There, I had a focus on civil litigation, with a particular emphasis on employment and labour law, human rights, and with a focus on serving indigenous clients and in particular indigenous organizations.

So I was in Thunder Bay, I was practising law, things are going great, life is grand. All of sudden, I found out that Lakehead University got approval to start a law school. Ever since I had been a law student I had been advocating that there should be a law school in Thunder Bay. I used to actually tell my law school friends, "There's going to be a law school in Thunder Bay one day and I'm going to work at it and you should come and work at it too." Sure enough, they eventually did get the approval to start the law school.

As soon as that happened, I applied to do an LLM, a Master of Laws degree, at the University of Toronto, and I went and did that. While I was doing that, I worked part-time as a judicial law clerk for the Federal Court. I did my LLM and then I was appointed to Lakehead's law school. I was one of four founding faculty members of the new law school at Lakehead University. We built a law school from scratch there at Lakehead.

Then, like I said, just last month I moved here to Toronto from Thunder Bay and took up my appointment at Osgoode. My research and my teaching focus on indigenous and aboriginal legal issues. At Lakehead, I taught aboriginal legal issues, which is Canadian laws that affect aboriginal people. I also taught the laws of indigenous peoples. I also taught property law and legal philosophy. At Osgoode, I'll be teaching similar courses

as well as legal process, which is essentially civil procedure with alternative dispute resolution added in as well.

**0910**

So, that's me. Now, why am I applying? Currently I serve as a commissioner with the Ontario Human Rights Commission. There are two cross-appointments between the commission and the Human Rights Legal Support Centre. One of them, the cross-appointment from the commission to the Human Rights Legal Support Centre, has recently become vacant, so my chief commissioner asked me to put my name forward to be considered for the cross-appointment. That's why I'm here.

How do my experience and my qualifications relate to the position? First, I have substantive knowledge of human rights, human rights issues and human rights law. That comes from having practised in the area when I was in private practice. It also, of course, comes from serving as a commissioner with the Ontario Human Rights Commission.

I have knowledge of legal practice and legal administration in general, again from being in private practice and from teaching law to law students at law school.

I have knowledge of human resources and labour and employment issues because, as I mentioned, that was one of my areas of practice when I was in private practice.

I have leadership and governance skills, which come from having served on a number of different boards and councils. For instance, I am currently on the board of directors of the Indigenous Bar Association. As I mentioned, I'm a commissioner with the Ontario Human Rights Commission. I'm also a commissioner with the Métis Nation of Ontario's Commission on Métis Rights and Self-Government. I have previously served on the Research Ethics Board of Lakehead University, and also the hospital in Thunder Bay.

Finally, I also have some knowledge of finance issues. I was the founding vice-chair of the Métis Voyageur Development Fund. This is a corporation that was initially funded by the government of Ontario. Its mandate is to provide grants and loans to Métis entrepreneurs. Of the loan applications, the grant applications that come to us, those that are for more than \$50,000 are assessed by the board of directors, and those that are less are assessed by the staff. When I was on the board of directors there, I had to gain the skills and the knowledge to be able to evaluate applications and essentially assess business plans.

Those are the things I wanted to tell you about myself. I'm very happy to take questions.

**The Acting Chair (Mr. Lorenzo Berardinetti):** Thank you very much. The questioning will begin today with the official opposition: Mr. Oosterhoff.

**Mr. Sam Oosterhoff:** Perfect.

**The Acting Chair (Mr. Lorenzo Berardinetti):** You have 10 minutes for questions.

**Mr. Sam Oosterhoff:** Thank you very much for coming in this morning. Wow; you have a very impressive resumé. I really appreciate that you've put



yourself forward for this position and that you have applied.

I'm very curious to hear a little more about some of the issues that you had to work with when you were helping to establish the law school at Lakehead, because I think that's very pertinent to how you would also respond to the governance structures and work at the centre. Would you willing to explain a little more about that, and how you feel that experience is relevant to this position?

**Ms. Karen Drake:** Absolutely. Thank you. I think the biggest challenge in founding the law school from scratch—again, of course, I didn't do it singlehandedly; I wasn't the dean. We had the dean, who was in a leadership position, but the four of us faculty members were there to support the dean. In a university setting, we operate by collegial governance, which means that the faculty are part of the governance along with the dean, as opposed to a more top-down model. We were there assisting in governance issues.

The biggest issue we faced was a complete lack of policies and procedures. There was nothing. It didn't even exist as an entity. Of course, there are requirements that we have to meet; there is legislation that we have to meet, but no actual steps to take to do it. Coming up with those policies and procedures, and thinking through what is the most efficient way to meet our obligations, was, I think, the biggest challenge.

That's something that is going to be pertinent with the Human Rights Legal Support Centre as well. Of course, they already have an established structure, and I'm sure that they have policies and procedures that are effective as well, but they still have legal obligations under their constituting statute that they have to meet, and under the memorandum of understanding with the Ministry of the Attorney General.

**Mr. Sam Oosterhoff:** Perfect. I also had a question about—it says here in our briefing that the centre is required to ensure that its services are available “throughout the province using such methods of delivery as the centre believes are appropriate.”

What do you think we can do to improve access so that people are aware of their own human rights but also of the services that the centre provides?

**Ms. Karen Drake:** The centre has already been doing a lot in that regard. There's a program that has been implemented for the past number of years where the centre's staff lawyers go out to the indigenous friendship centres and provide training there to the staff, who are then able to assess whether clients who come in might have a human rights issue and then can direct them to the centre or to the tribunal. I think that building on that kind of initiative would be a great thing for us to do—providing more outreach and education opportunities. So reaching out to the friendship centres is excellent.

Some other places where we might be able to reach out to as well, though, are to the Métis communities. I mentioned that I'm a citizen of the Métis Nation of Ontario. Often, the Métis aren't as likely to utilize the

indigenous friendship centres; they're often perceived as being more directed to First Nations. Whether that's true or not—and I don't think it is true—it often is a perception. There are ways that we can reach the Métis community, and one way that I would suggest is to reach out to the Métis community while they're having their annual assemblies and their annual meetings because that's when actual Métis community members come together. Staff lawyers from the centre could potentially do a 10- or 15-minute outreach at those meetings. That wouldn't be unprecedented. We often have different community members come to speak to us at those meetings.

**Mr. Sam Oosterhoff:** There has been a lot of discussion over the past several months, and probably really getting close to a year now, about obviously hydro rates and some of the concerns that are surrounding that. To me, it feels like every time I turn on the radio, I hear an ad from the government talking about hydro rates and the fair hydro plan. But I can't say I've heard advertising talking about knowing your human rights and being able to access legal services such as the centre.

Do you think the government could be doing a better job of allocating its advertising resources perhaps a bit more away from such partisan advertising and more towards these sorts of human rights issues?

**Ms. Karen Drake:** That's a great question. I think that that's an excellent area of opportunity—to look for synergies between the centre and the Ontario Human Rights Commission. The commission's—as I said, I'm a commissioner with the commission—mandate is to focus on the public education aspect, but of course the centre would benefit from that as well, and that's also part of the centre's mandate. As a cross-appointee, my role would be to look for those synergies—so how could the commission's budget and mandate to look at public education be matched with what the centre is trying to do, and avoid any duplication between the two?

**Mr. Sam Oosterhoff:** What's an idea that you think the commission and the centre could work together on to promote that? Or is that just something that, going forward, you hope to look into?

**Ms. Karen Drake:** Yes, it's definitely something I hope to look into going forward. I'd want to see on the ground what is being planned and if there's anything being planned that would be duplicative. If there's outreach to specific communities that one entity is already doing, there's no reason for another entity to go in and do the same thing.

**Mr. Sam Oosterhoff:** Perfect.

**The Acting Chair (Mr. Lorenzo Berardinetti):** Ms. Scott.

**Ms. Laurie Scott:** Thank you for your tenacious application of your profession to help many communities—and on the human rights commission now.

I wanted to just ask a question. I've been doing a lot of work with anti-human sex trafficking, and I wanted to bring that up with the indigenous communities. Again, part of the education, awareness—obviously, it's an



extreme human rights violation. I didn't know if you had any thoughts on how we could continue to educate indigenous Métis communities. It's a big question, I know. I just planted the seed.

**Ms. Karen Drake:** That's such an important issue—especially the human trafficking issue, and as it affects indigenous communities.

Historically, indigenous communities in Canada have been reticent to take advantage of the Canadian legal system. They perceive the Canadian legal system as being, essentially, a tool of oppression to be used to take their rights from them. So indigenous communities are very reluctant to actually then engage with the Canadian or Ontario legal system.

0920

There are a number of really preliminary basic steps that have to be taken in order to reach out to indigenous communities and help them understand that the human rights system in Ontario is there for them, that they have human rights, and that we're trying to protect their human rights.

So I don't think there's any easy answer. I think it's going to involve just building actual relationships. There's really no substitute for actually engaging and building relationships with the communities.

**Ms. Laurie Scott:** Okay, as long as it was on your radar—I just really appreciate the fact that you could look at that while you're in your new appointment.

**Ms. Karen Drake:** Absolutely.

**Ms. Laurie Scott:** Thank you for all the work you've done, and congratulations on your accomplishments.

**Ms. Karen Drake:** Thank you.

**The Acting Chair (Mr. Lorenzo Berardinetti):** Two minutes left. Go ahead.

**Mr. Sam Oosterhoff:** I also noticed that over the last three years—in 2014, the centre received \$5.8 million; in 2015, the centre received \$6 million; and in 2016, that went down again to \$5.8 million. Why is that? Do you think that reduction of funds is hampering the work of the centre? Or is that because of you being able to find efficiencies?

**Ms. Karen Drake:** Of course, I'm not involved with the centre yet, but I did speak with Sharmaine Hall, who is the executive director of the centre. From speaking with her, what I understand to have been the case is that since the centre's inception it has received the exact same amount of core funding. Its core funding has never increased since its inception in 2008. However, it did receive some special funding to start what is known as the mediation project. The mediation project allowed the centre to hire non-lawyer staff who could then fill the role of doing some of the work where lawyers don't need to be directly involved: intake and doing the pre-application interview. I think that accounts for the increase in funding in the one year. My understanding is that that was a pilot project, so the funding—if I understood correctly—wasn't repeated. However, the project was extremely successful. It allowed the centre to settle, I believe, 40% more cases at mediation. That's a huge

success, because it means that those cases get taken out of the human rights system and don't have to go to a hearing and don't have to use up the tribunal's resources. I believe that the funding is now being returned again for this year or for subsequent years.

**The Acting Chair (Mr. Lorenzo Berardinetti):** I'm going to move on now to the third party: Mr. Gates.

**Mr. Wayne Gates:** Good morning, Karen. How are you?

**Ms. Karen Drake:** Great, thank you.

**Mr. Wayne Gates:** I come from Niagara Falls. In my riding, we have two centres. We have a friendship centre in Niagara-on-the-Lake and one in Fort Erie. They are extremely active in our community and doing great work.

I noticed in your little highlight here that you helped develop initiatives to combat racism and discrimination in Thunder Bay. Then, what else you did, which I found very, very important—you spearheaded a monthly column in the local newspaper, "One City Many Voices," and the goal was to encourage greater understanding of race relationships in northwestern Ontario.

Down in our area, the local leadership is on the radio. They have their own blogs now where they're reaching out into the community.

How important is it to get the message out?

**Ms. Karen Drake:** I think that's the key, this communication.

In Thunder Bay, what was happening at the time, around 2009-10—and it's actually happening right now just as much—was that our local newspaper, which has a very, very high readership—I believe that it has the highest per capita readership for any sort of local newspaper. The indigenous community there and indigenous allies were accusing it of being biased or one-sided or essentially publishing anti-indigenous, anti-First Nations publications. On our anti-racism committee, we wanted to try to address this. It's a really big issue. So we invited the editor of the editorial page to come in and talk to us at one of our meetings. What he said was that there's no way he'll stop doing that, and—he didn't say this, but, essentially, it sells papers. What he did say was that freedom of expression is what governs him, and when he said that, I couldn't agree more. "Of course, we have to promote freedom of expression. Of course, we're not asking you not to publish that." What he said was, "I'm not going to stop publishing these opinions, but I'll give you a space where you can address them and you can respond and you can communicate and have a dialogue," and I thought that was brilliant. When it was offered to us, there was no way I could say no to that. So I got that up and running. I wrote the first one. But it wasn't going to be "The Karen Drake Show," of course; the idea was to get someone different each month to engage with the issues that Thunder Bay was dealing with within the indigenous community.

**Mr. Wayne Gates:** And it's so important because if you take a look at what's going on right here in our province—although we try to hide away from it a bit and keep it quiet—is that we actually have First Nations right



here in Ontario that still don't have clean drinking water, and young people in First Nations don't have the opportunity to get the same type of education. I think the important part about writing articles and addressing these issues is to educate the people who might not understand or might not even know that in Brantford today—12 years they've been boiling water to get clean drinking water. So I want to give you a compliment on the fact that it's so important to do that, and encourage others to do it, to get the message out.

I was really pleased to see that, and I'm really excited about the leadership down in Niagara that are doing the same thing—on radio; they haven't done a column. After reading that I'm going to talk to them and I think that might be another way to reach out to the community.

The other one you talked about, part of reaching out to the community—and you can correct me if I'm wrong on what I read—it gives you the opportunity to get into the community at a festival where you can put up a tent and talk to people. Is that something that you think is important to get that message out as well?

**Ms. Karen Drake:** Absolutely. That's something that we did when I was an elected representative of the Thunder Bay Métis Council. As I said, I'm a Métis citizen, and I served on the local Métis council in Thunder Bay for quite a number of years—since about 2010. We represented the local Métis citizens, and one of our main mandates was to simply raise awareness about who the Métis are and what the history of Métis people in Ontario is. That involved a lot of just going to different events and having our table there and being available to talk to people and introduce ourselves and give them information about the Métis.

**Mr. Wayne Gates:** I think it's wonderful that you're doing that. My colleague did mention the reduction in the funding. It was actually my third question. I haven't gotten to my first one yet. But I believe the mediation part of it is very, very important because one of the reasons that a lot of people don't win appeals is because of resources. The mediation process brings parties together where you can get it resolved before it really gets into a cost thing more than anything else. So it's nice to see that the success rate is 40%. It's not usually that high in mediation. So obviously whoever was doing the program was doing something right.

I would make a suggestion to my colleagues on the other side: Rather than reducing funding we should be increasing the funding. We need to make sure that we're getting these messages out. At the end of the day, everything costs money and everything has to be done. So I would suggest to the minister: Don't reduce the funding; bring it back up and put the money back into the mediation because I think that mediation not only works in this issue but it works in a lot of other sectors as well. So let's congratulate that group down there; they're obviously doing something right.

Now I will get into my questions—I don't know how much time I have. I see from the background material that you're from the Thunder Bay area. I'm sure you're

aware of the recent issues facing the Thunder Bay Jail and the prolonged use of solitary confinement, particularly with aboriginal inmates. While I understand this issue does not directly fall under your scope at the legal support centre, I do believe that this is a human rights abuse, and it's happening right in your backyard, where you come from, although you've come to Toronto now; I'm sure you're coming to see the Blue Jays. I was hoping you may be able to discuss your feelings towards the incidents and the government's response because not only is it aboriginal inmates; there's a lot of young people as well. Maybe you could address that for me. I'd appreciate it.

**Ms. Karen Drake:** Yes, absolutely. That's such an important issue. I was actually with Renu Mandhane, the Chief Commissioner of the Ontario Human Rights Commission, when she met with Adam Capay at the Thunder Bay Jail, and of course it is an issue especially in areas like Thunder Bay and Kenora, where it affects indigenous peoples much more significantly.

So I agree that solitary confinement is a human rights issue. It's clearly a human rights issue at the international level, and I think that in Canada we want to comply with international laws and international human rights standards. So I'm very pleased with the work that the commission has been doing to raise awareness of this with the Ontario public and that the Ontario public has responded and they agree that simply because someone is imprisoned doesn't mean that their human dignity is any less. In Adam Capay's situation, he actually wasn't convicted of anything. He was being held pre-trial, right? He was innocent until proven guilty, and yet was being held in solitary confinement for four years.

0930

I think it's so important that this issue is now being discussed and brought to light, and I'm optimistic that we're going to see tangible solutions to it.

**Mr. Wayne Gates:** The other issue that you might want to raise in the jails as well is mental health and the lack of training that is given to the support staff and even the nurses who are servicing those facilities. If you can raise that issue as well during the course of that, because that's so important within that environment.

**Ms. Karen Drake:** Absolutely.

**Mr. Wayne Gates:** Thank you.

Last year, the centre handled more than 24,000 inquiries, and 55% of the legal services provided were for discrimination regarding a person suffering from disabilities. In your opinion, why do you believe the number is so high—maybe you can do it in two parts—and how do you feel the government can address discrimination against people with disabilities?

**Ms. Karen Drake:** I believe that disability is the highest ground in terms of rights and discrimination, because the highest social area is employment, right? So disability is the ground that receives the most attention and employment is the ground that receives the most attention. Employment is likely the area that receives the most attention because we spend so much of our lives



engaged in our employment. It's such a significant aspect of our daily lives, and disability then intersects with that.

Employees need accommodations. They need slight modifications to their employment in order to be able to do their job effectively. So I think it basically comes from the fact that employment is so significant.

**The Acting Chair (Mr. Lorenzo Berardinetti):** That's the 10 minutes. Actually, we're a bit over the 10-minute mark right now. We'll move on to the government.

**Mr. Wayne Gates:** Sorry, I had a couple more, but thank you very much. Very good.

**Ms. Karen Drake:** Thank you.

**The Acting Chair (Mr. Lorenzo Berardinetti):** Mr. Anderson.

**Mr. Granville Anderson:** Ms. Drake, thank you so much for putting your name forward and how you have acquitted yourself quite well here. Some of the questions were outside the scope, but you answered them quite eloquently.

I have no further questions. You are well qualified for the position. Good luck. Hopefully, you'll be successful. Thank you.

**Ms. Karen Drake:** Thank you.

**The Acting Chair (Mr. Lorenzo Berardinetti):** That was the time allocated for this interview. Thank you very much. You may now step down, Ms. Drake.

**Ms. Karen Drake:** Thank you.

MS. LINDA PIM

Review of intended appointment, selected by official opposition party: Linda Pim, intended appointee as member, Niagara Escarpment Commission.

**The Acting Chair (Mr. Lorenzo Berardinetti):** We're right on time here for our next intended appointee. Our next intended appointee is Linda Pim, member, Niagara Escarpment Commission. Is Linda here?

Good morning. You have five minutes for a brief statement, and then each party gets up to 10 minutes to ask you some questions. Good morning again. You may make your presentation.

**Ms. Linda Pim:** Thank you, Mr. Chair and honourable members of the committee, and good morning. I appreciate this opportunity to discuss how I believe I'm well qualified to serve on the Niagara Escarpment Commission and to answer your questions.

The primary role of the commission is as lead implementer of the Niagara Escarpment Plan. Initially approved by cabinet in 1985 and with a new version effective June 1, 2017, the Niagara Escarpment Plan was the first large-scale, environmentally based land use plan in Canada.

The most important value that I think a Niagara Escarpment commissioner must bring to the position is a strong commitment to upholding the policies of the Niagara Escarpment Plan. I have had that commitment since I began working on escarpment issues in the late 1980s.

I consider it a major responsibility to be considered for appointment to the Niagara Escarpment Commission. The Niagara Escarpment Plan area has garnered international recognition through its 1990 designation as a biosphere reserve by the United Nations.

The commission's ongoing challenge is to ensure that only development that is compatible with the escarpment's natural environment is permitted through the commission's decisions. I appreciate that the policies of the Niagara Escarpment Plan seek to have due regard for both natural heritage protection and environmentally appropriate development while fostering a thriving economy.

I believe that I am well qualified to be a Niagara Escarpment commissioner because I am an environmental biologist by academic training and a land use planner by way of a registered professional qualification.

I have been fortunate to have participated in implementation of the Niagara Escarpment Plan in several positions in my career over the past 30 years. In chronological order, going forward:

—I worked on Niagara Escarpment issues here at the Legislative Assembly;

—I was the senior policy adviser on escarpment issues in the minister's office at the Ministry of the Environment;

—I worked in public affairs at the commission;

—I undertook Niagara Escarpment Plan policy analysis and policy development at a conservation organization; and

—I contributed agricultural information and analysis to commission staff while I was a land use planner at the Ministry of Agriculture, Food and Rural Affairs.

My community work also keeps me in touch with the Niagara Escarpment in ways that I think would inform my role as a commissioner. For example, I maintain a section of the Bruce Trail in Grey county. Also, I am secretary-treasurer of the Niagara Escarpment Foundation, which is a small registered charity that undertakes research and educational activities related to protecting the escarpment.

I would find it a great honour and privilege to serve the government and the people of Ontario as a Niagara Escarpment commissioner. I would work conscientiously to uphold the Niagara Escarpment Plan and to further all the work that the commission does.

I look forward to answering your questions. Thank you.

**The Acting Chair (Mr. Lorenzo Berardinetti):** Thank you very much, Ms. Pim. This time, we'll begin with the third party: Mr. Gates.

**Mr. Wayne Gates:** Good morning. How are you?

**Ms. Linda Pim:** I'm very well, thank you.

**Mr. Wayne Gates:** Thank you for your 30 years of service. You've obviously done a good job.

I want to ask you a question about what you started out with, and maybe you could explain what you meant: the challenges of protecting the Niagara Escarpment, and development.

**Ms. Linda Pim:** Yes.



**Mr. Wayne Gates:** I don't think there's a bigger issue down in Niagara, for sure, on that particular issue right now, so maybe—

**Ms. Linda Pim:** Excuse me. You said you don't think there is?

**Mr. Wayne Gates:** No, there is. It's a big, big issue down there. So maybe you could explain it and enlighten us on where you think we should be going. I'd appreciate that.

**Ms. Linda Pim:** Sure. I can give you a few challenges. One is an administrative one, and that is that there are now nine vacancies on the commission. As these vacancies are filled—and I'm hoping I'm going to be one of those—there will be, I think, probably a fairly significant learning curve on the part of the nine new commissioners and a new chair. That won't last too long, but that's an initial piece that I think will be important.

Secondly, one of the things that has been done with the new plan, which became effective June 1, 2017, is that for the first time, the internal boundaries between the land use designations in the plan have been changed. In other words, the distinction between the escarpment natural area, which is the most protected, and the escarpment rural area, which is less protected, was based on mapping that was done in the late 1970s and early 1980s. But because of improved mapping and GIS technologies etc., the commission and the Ministry of Natural Resources and Forestry have far better mapping. What has been done for the first time is to adjust those boundaries to reflect what is actually on the ground.

For example, over the last 30 to 40 years, there has been an increase in forest cover in the Niagara Escarpment Plan area. One of the criteria for being designated an escarpment natural area, which is the most protected area and which has the least permitted uses—there's more forested area. Therefore, what has happened in the new mapping in the new plan is that there's more escarpment natural area; therefore, you have more landowners who are going to have fewer permitted uses that are allowed on their lands. I consider that this could be a challenge.

Another mapping issue that has come out of the plan review and the new plan is that there has been a reduction—which is not surprising, because there's escarpment natural area designation and escarpment protection area, which is further from the actual escarpment feature but still part of the geological formation of the escarpment, and then you've got the escarpment rural, which is land that is, for example, used more for farming etc.

0940

The escarpment rural area is the only area where aggregate extraction is permitted—in other words, sand, gravel and crushed stone. The escarpment rural area in aggregate—sorry; I shouldn't use the words “in aggregate.” In totality, the area has been reduced in the new plan. Therefore, there's less opportunity, in terms of the pure number of hectares, for the aggregate industry to be able to access for purposes of establishing either a

new pit or quarry or an expanded pit or quarry. In fact, the animating issue for the establishment of the Niagara Escarpment Plan—one of the primary ones back in the 1960s—was aggregate extraction, and it has continued to be a major issue over the last 40 years because the quality of the dolomite stone on the escarpment is so high. Therefore, there may be real challenges for the aggregate industry in dealing with the commission to seek a plan amendment to allow a new or expanded quarry.

There are a number of other issues. For example, there is a Niagara Escarpment Parks and Open Spaces System, with some 160 parks. Many of those parks do not have a management plan.

I personally, in one of my community involvements, am dealing with a park which, by the way, I was involved in getting renamed, working with the commission staff. It's called the Len Gertler Memorial Loree Forest, up in Grey county. Len Gertler was the planning professor from the University of Waterloo who was commissioned by then-Premier John Robarts in the 1960s to produce a report about protecting the escarpment. That property, called the Len Gertler Memorial Loree Forest, has some problems, the reason for which is that there's no management plan for that park. We've got some problems in that park with—I won't name the company—large, recreational off-road vehicles using that park for adventure tourism. That's an issue that would not have happened if there was a management plan.

Those are some of the issues that are some of the challenges.

**Mr. Wayne Gates:** Thanks for your response. I'll go to my second question before I do my first one for you. Recently, I've noticed—as you have, and you just stated it—many members are leaving. Five left in April, and there were already two vacancies. Do you have any idea why they would be leaving?

**Ms. Linda Pim:** I can give you an explanation: for the reason that so many members' terms expired this year. The government, as you may be aware, has just completed a comprehensive plan review that involved the Niagara Escarpment Plan, the Greenbelt Plan, the Growth Plan for the Greater Golden Horseshoe, and the Oak Ridges Moraine Conservation Plan. It was an extensive process in which I was involved in my role at the Ministry of Agriculture, Food and Rural Affairs.

The government's decision was that in order to have continuity throughout that process, which the commission worked on for some four years, they didn't want to have a new commissioner come in and have to be brought up to speed with this extremely important initiative that was taking a long period of time. So the decision was to extend some of the appointments so that they would not expire until after the planned review. That's why some of them were extended, and a whole bunch of them—I think it's nine altogether, including the chair—expired this year.

**Mr. Wayne Gates:** How much time have I got?

**The Acting Chair (Mr. Lorenzo Berardinetti):** Three minutes.



**Mr. Wayne Gates:** Oh, good.

During the Harris government, the NEC was instructed to reduce its staff, as the Harris government was not very enthusiastic about the NEC's objectives. Do you believe the NEC is operating to its full potential today?

**Ms. Linda Pim:** Well, just parenthetically, I should mention that I was one of the people who were laid off from the Niagara Escarpment Commission by that government.

**Mr. Wayne Gates:** I didn't know that. I did my research anyway, so we can at least—

**Ms. Linda Pim:** Anyway, I will go on to answer your question. I'm sorry; can you just rephrase the question?

**Mr. Wayne Gates:** Basically, during the Harris government, the NEC was instructed to reduce its staff, as the Harris government was not very enthusiastic about their objectives. Are we meeting our full potential today?

**Ms. Linda Pim:** I really think the commission is operating very well. The staff complement went down from somewhere in the 40 range to—it's 23 now. They closed one of their offices. They closed the office in Grimsby back when that significant reduction took place.

In my observation of the commission—because I periodically observe commission meetings, and in my various roles I have been in regular contact with commission planners—I think they're doing an excellent job with reasonably limited resources. You've heard the term that someone runs a "lean and mean organization." Well, I wouldn't call it mean, but I'd call it—

**Mr. Wayne Gates:** Lean.

**Ms. Linda Pim:** —lean. They have had a steady budget of \$2.41 million from 2016 through—their business plan from 2016 through 2019: same budget throughout. They deliver not only their regulatory function as a regulatory agency, but they also do non-regulatory work related to their role as the central convenor for the Niagara Escarpment biosphere reserve, the UNESCO biosphere reserve. They do environmental monitoring work—for example, forest health monitoring—and, of course, they have to service the public in a timely manner. I'm convinced that they are meeting their obligations and probably exceeding them.

**Mr. Wayne Gates:** I just wanted to say I really enjoyed your comments, and thank you for being here today.

**The Acting Chair (Mr. Lorenzo Berardinetti):** We'll move on to the government now: Mr. Bradley.

**Mr. James J. Bradley:** Thank you very much. I want to say, Mr. Chairman, first of all, that this is a very significant day in history, because Mr. Bob Runciman is no longer a member of the Senate as of today. Our friend Bob Runciman, who was a long-serving member of the Ontario Legislature and who would have been in committees such as this—that's how I'm drawing it in—completes his term as a senator. I was chatting with him this week to express our thanks to him for his long years of service. Anyway, that is extraneous to what we're doing today, but I wanted to mention that.

As well, I want to at this time—and Ms. Pim will be aware of the role that Norm Sterling played. Norm Sterling, who was elected the same day I was, on June 9, 1977, was given the responsibility by Premier Davis to develop a plan for the Niagara Escarpment. Mr. Sterling is no longer a member of the Legislature, but I think he deserves recognition. Ms. Pim would be aware of the role that he played at the very beginning, when perhaps the enthusiasm and popularity for such a commission would not have been as great as it is today.

I am impressed by the credentials that I see for Ms. Pim and by the responses that she has given. You were quite diplomatic in your answers to the member for Niagara Falls, who talked about the need for resources. I hope that you will not hesitate to indicate to the government any needs that you believe are there in terms of financing of the Niagara Escarpment Commission, because it does play a significant role. So I was very pleased to hear you mention that, and I was pleased that Mr. Gates raised that particular issue.

Over the years, there have been people who have viewed the Niagara Escarpment Commission as an impediment to what they would consider to be progress. They are people who would like to see hotels on the escarpment. They would like to see palatial mansions on the escarpment. They would like to see ski hills, and blast highways through the escarpment and so on.

This is kind of a lob-ball question coming in, but do you see your role as protecting us against the forces of development who would not hesitate to develop anything and everything on the escarpment?

**Ms. Linda Pim:** In answer, the policies of the plan are very specific about where development takes place. This is not a plan that seals off the escarpment from development. It's a question of scale and it's a question of where the development takes place.

So, for example, I was involved in a hearing in Niagara; it was called the Niagara Land Company. I won't go into all of the specifics, but it was a proposal for—a very limited service restaurant and a winery are permitted at a vineyard. But what this applicant wanted to do was establish a culinary teaching centre, 56 guest cottages and a few other amenities—a restaurant, whatever—in the escarpment, right at the vineyard.

0950

That is not the kind of development that should take place there. It should take place in a minor urban centre or urban area in the escarpment. For example, there is a development—again, I'm not going to mention names. In Jordan, we have a major winery development where, yes, the owner's vineyards are out in the countryside, but his restaurant and everything else are in the town of Jordan. Therefore, it's a question of scale and it's a question of where the development takes place. The urban areas and the minor urban centres are where you want to focus larger developments.

Also, the plan and the development criteria in the plan speak to scale, so that in a minor urban centre—I live in one of them, in Inglewood, in the town of Caledon—



you're not going to get a 10- or 20-storey condo, because that would exceed the scale and would offend what is called the "open landscape character" of the escarpment.

So development is permitted. It's a question of, as the purpose of both the legislation and the plan say, development that is compatible with the natural environment.

**Mr. James J. Bradley:** That is encouraging to hear because that is precisely what you want to see: that it is compatible with it.

We know that there is a lot of pressure, however. There are some who would love to grant severances willy-nilly on escarpment lands. That has pretty well been pushed back over the years. But my concern is that there's an ongoing effort by some in our society who would like to see, first of all, the Niagara Escarpment Commission abolished. I can recall one of my first votes in the Legislature, sitting in a seat that is occupied by the member for Niagara West—Glanbrook or Niagara West now.

**Mr. Sam Oosterhoff:** I moved.

**Mr. James J. Bradley:** When I was sitting in that seat in the Ontario Legislature, I voted against one of my own party's motions. It was a then representative from Grey county who wanted to, shall we say, remove the Niagara Escarpment Commission, and I recall voting against it, much to the annoyance, probably, of that member.

I'm glad to hear what you have said. Your knowledge of the plan is exceedingly important, but even more so your determination as a member, first and foremost, to protect those escarpment lands, which, as I say, are also prime for development in the eyes of some people who are rubbing their hands with the hope that somehow the commission could be abolished and we could just have untrammelled development.

You would be aware, in your history, of the disappearance, because of decisions made a number of years ago, of prime agriculture land where you have a microclimate in the Niagara region that is conducive to the production of tender fruit, where you have soil composition which allows for that. We see huge development taking place on prime agricultural land with a microclimate when we know that there's not much arable land. We're a large country, but there is really not much arable land in our province. Will you be keeping that in mind as you deliberate on the matters before the commission?

**Ms. Linda Pim:** Yes, absolutely. In my role at the Ministry of Agriculture, Food and Rural Affairs—I was there for 10 years. We were dealing on a regular basis in our unit with issues related to how we can best retain the agricultural land we have, because, as the saying goes, they're not making any more of it. The challenges in Niagara, of course, are particularly important because of, as you say, the microclimate and the excellent soils.

I think the issue of lot size is a special issue in Niagara because you can actually make a viable living, because of the high value per acre, from growing grapes and producing wine. But when you mentioned, Mr. Bradley—you know, a lot of the issues have been resolved over the years, such as lot creation. I was

reading a commission report from only this past April a couple of weeks ago where people continue to want new lots in the escarpment countryside. The plan is very specific about limiting the number of new lots, because you want to protect the open landscape character. If you really need a house, there are lots of areas in the urban parts of the escarpment—and some of them are in the small villages; they're very charming. You don't have to live in Hamilton or Owen Sound or whatever.

But I just want to get back to your point briefly about the abolishing of the commission. In the just-completed coordinated plan review—and I say this having been on the inside, working at the Ministry of Agriculture, Food and Rural Affairs—and this is public knowledge by now—one of the things that was off the table was changing the administrative structure of how these plans are implemented. What was off the table was abolishing the commission, which I was very encouraged by, because it meant that we have a commission that can continue to administer a program along the length of the escarpment so that we don't have patchwork implementation and we have consistent implementation of very detailed and very specific policies along the escarpment.

It actually saves municipalities money. For \$2.5 million a year, the government is implementing this plan that saves municipalities a bundle, because if they were implementing it, I have a sense that perhaps it might add up to more than \$2.5 million.

**The Acting Chair (Mr. Lorenzo Berardinetti):** That's concludes the 10 minutes. Thank you, Ms. Pim.

We will move on to the opposition party: Mr. Oosterhoff.

**Mr. Sam Oosterhoff:** Thank you very much for coming before the committee, Ms. Pim. I have already appreciated hearing a lot about the things that you've been working on in protecting our environment.

I do want to correct the record for the member from St. Catharines. I no longer reside in that seat in the Legislature. I actually moved over one.

**Mr. James J. Bradley:** What's it called? Niagara West?

**Mr. Sam Oosterhoff:** No, it's still Niagara West—Glanbrook, but I'm not in the far corner anymore. I moved.

I want to also commend you on being able to bring out 75% of the MPPs from Niagara. I think that's pretty impressive, to see that we're all here and we're all interested.

I have a question about climate change and how that's going to impact the Niagara Escarpment in the coming decades. What do you think the impact of climate change is going to be on the escarpment, and what is the commission doing to mitigate some of the damage from that?

**Ms. Linda Pim:** Okay; a very good question. I think you're all aware that the more forest cover we have, the more we have a carbon sink. In other words, in speaking of climate change—and climate change is one issue I worked on at the Ministry of Agriculture, Food and Rural



Affairs—you have sources of carbon, which are your greenhouse gases, and you have carbon sinks, which are places that accept the CO<sub>2</sub>, which is plant material, and convert it into plants and trees. So the more forest cover you have in the escarpment, the more you have a carbon sink. In terms of moderating climate change, the more places you have that can absorb carbon and produce trees and other plants, the more you are absorbing CO<sub>2</sub> from the atmosphere.

Climate change will obviously affect water resources. I think in Ontario, for example, in agriculture, the research of my former employer, the Ministry of Agriculture, was that water was going to be a limiting factor. For example, in Niagara, since so many of you are from Niagara, those irrigation systems are probably running at full tilt today, because it has been a little dry and those peaches, plums and grapes need water.

The issue of water is going to be a real emerging issue with climate change because water availability—people think about rising temperatures, but one of the issues, for example, in agriculture is water availability.

The commission, as part of the plan review, was mandated, as part of the government-wide process, to consider climate change. Among the 17 to 20 research papers that they did as part of the plan review, my recollection is that one of them was on climate change and how to adapt to the changes that are coming. There are basically two issues: mitigation of climate change through reduced greenhouse gas emissions and adaptation to what has already happened. The commission has the ability both to develop policies that may help mitigate—for example, by increasing forest cover—and adapt by working with their partners—municipalities, conservation authorities etc.—to manage the water resources in the most effective manner.

1000

**Mr. Sam Oosterhoff:** One of the other questions I had was a big-picture question about what you think the biggest challenge facing the Niagara Escarpment, in that area, is—not just the commission; perhaps that could be bureaucratic or governmental, depending on how you do it, but the biggest challenges that face the viability and hopefully the long-term sustainability of the Niagara Escarpment. I live on the escarpment.

**Ms. Linda Pim:** It's difficult to isolate one question; I'll do my best.

One of the biggest challenges is to make the appropriate balance between economic development and environmental protection. That has been the ongoing challenge throughout the history of the plan, going back to 1985. Some issues between development and environment are more acute in some areas of the escarpment than others. In some senses, what's most important is to achieve that balance such that you have maintained a thriving economy.

As I mentioned earlier, the commission and the plan are not about sealing off the escarpment to all development. You need to have development that will grow the economy in the escarpment. The question is, what is the

appropriate development? That has always been the challenge, and that will continue to be the challenge.

As the member for St. Catharines said, there will always be applications to do things in the rural parts of the escarpment that simply aren't permitted. People would go through a plan amendment process to try to get that to happen, and it would probably be turned down. So there will always be the challenges of wanting more development than is permitted.

We need to remember that this is a United Nations biosphere reserve. It is supposed to demonstrate biodiversity conservation, sustainable development, and to undertake research. Although the biosphere reserve designation has no legal weight, it is what gives us international recognition for the escarpment.

So the commission and the implementation of the plan need to make sure that we can retain the biosphere reserve designation by achieving that balance between protection and development.

**The Acting Chair (Mr. Lorenzo Berardinetti):** Ms. Scott.

**Ms. Laurie Scott:** I was on the aggregate resources review act committee a few years ago. We've done a report. Some of those recommendations have been implemented—partway, anyway. It is very complex. We toured. Some of the members who are here today were on that committee.

Aggregate extraction, as you mentioned earlier in a response, is a big issue in the Niagara Escarpment.

You were part of the Coalition on the Niagara Escarpment, CONE?

**Ms. Linda Pim:** Yes, I was involved with them. Through my work at what's now called Ontario Nature, I was involved in the work of the Coalition on the Niagara Escarpment.

**Ms. Laurie Scott:** There's always that balancing act of expanding existing pits and quarries because of, obviously, location of where the aggregate is needed as opposed to developing farther away, and, of course, then, trucking of the aggregate to where it's needed, which is probably close to the Niagara Escarpment, where the sources are needed in the GTA, and expansion. So I just wondered how you felt on the expansion of pits and quarries. I realize it will be case by case. But I know you have some history of the policy with that organization of stopping expansion of pits and quarries.

**Ms. Linda Pim:** Yes. As I mentioned, the high quality of the limestone, of the dolomite and the shale of the escarpment is what attracts the aggregate industry. As I've indicated, the escarpment is not off-limits to aggregate development. The escarpment rural area is open to development not as of right. If an aggregate producer wants to seek an expansion of a pit or quarry, or a new one, they need to go through a plan amendment process, which ultimately goes to the minister and even sometimes to cabinet.

Obviously, the issue is probably never going to be totally resolved, because it was the animating issue for



Professor Gertler in the commission by John Robarts in the 1960s. It continues to be an issue.

The quality of the material: You brought up the issue of “close to source.” What the provincial policy statement under the Planning Act indicates is that as much of the resource that is as close to market as possible shall be protected for long-term availability. That is something that needs to be taken into account.

On the other hand, every need for a Niagara Escarpment amendment has to be justified. Therefore, can it be justified if you have aggregate resources that are just outside the plan area that are almost as good or just as high-quality? Could you use those instead, because you’re trying to protect this world biosphere reserve?

You want to get the high-quality material close to market. You’re right: You want to reduce greenhouse gases by not trucking the material in from Manitoulin Island or goodness knows where else. So the answer is, there are no easy answers, and it’s an ongoing issue at the commission.

I should mention that the aggregate policies in this new plan approved in July were not changed at all from the previous. There were attempts at the commission, in the process of the plan review, to remove the escarpment as a long-term source of aggregate. That proposal was voted down at the commission.

**The Acting Chair (Mr. Lorenzo Berardinetti):** That uses up the 10 minutes.

**Ms. Laurie Scott:** Okay. Thank you for that.

**The Acting Chair (Mr. Lorenzo Berardinetti):** Thank you, Ms. Pim. You may step down now.

**Ms. Linda Pim:** Thank you.

**The Acting Chair (Mr. Lorenzo Berardinetti):** Members of the committee, the next person, Mr. Paul Wallis, is not here yet. He’s stuck in transit.

So I think what we’ll do, with the committee’s consent, is recess until 10:25, and then we’ll continue from there. So we’ll just take a little break, okay? We’re recessed until 10:25.

*The committee recessed from 1008 to 1025.*

#### MR. JOHN STASIW

Review of intended appointment, selected by third party: John Stasiw, intended appointee as member, council of the College of Midwives of Ontario.

**The Acting Chair (Mr. Lorenzo Berardinetti):** Committee, we’re back in order here. We will stand down Mr. Paul Wallis and we’ll do our next selection, which is Mr. Stasiw. This is for member, council of the College of Midwives of Ontario. Mr. Stasiw, if you want to have a seat here. Good morning to you. You have five minutes to do your presentation and then we’re going to rotate around here and ask some questions later.

**Mr. John Stasiw:** Thank you, Mr. Chairman and committee members. I appreciate the privilege of appearing before you and the consideration for my appointment to the council of the College of Midwives of Ontario. I plan to take the next couple of minutes to

translate my CV’s successes to those skills that will support the same success for this appointment.

In my 37-year business career, those that I led would categorize me as a problem-solver focused on building efficient and effective processes that delivered sustainable, quality solutions and growth opportunities. In all of my roles, I developed strong teams through mentoring and coaching the development of their thought processes. This enabled many of these great people to go on and become very successful leaders.

As the discussions about this potential appointment progressed, I quickly began to realize how the business skills I identify with would be of benefit to the council and college. When I combined those skills with the understanding of the Ontario health system I gained as a board member and vice-chairman of the Headwaters hospital in Orangeville, I saw a synergy with the vision and mission of the college. Access to care and quality of care are what I believe are the strong foundations of a great health care process, and each of these is called out in the vision for the college. Supporting this vision, their mission identifies attributes of transparency, effective governing and accountable leadership that are all found in any strong business infrastructure and culture.

What I want to say here is that I began to see how a retired international business executive has a lot more to offer than first meets the eye. Yes, I readily admit that I don’t have the functional or academic experience of a midwife, and probably never will, but that is not what I see my role as. I see my role as being part of a team, a team with many capabilities and experiences that are challenged to build a strong, sustainable infrastructure to protect the public and deliver accessible, quality care when and where they choose.

I am a lifelong learner, and through this process I am comfortable that, while not a functional expert of midwifery, I can and will take the challenge to learn all that I need to, and to the level necessary to ensure the appropriate effectiveness. Thank you.

**The Acting Chair (Mr. Lorenzo Berardinetti):** Thank you for your presentation. This time, we’ll start with questioning from the government side: Mr. Anderson.

**Mr. Granville Anderson:** Thank you, Mr. Stasiw, for being here this morning. Midwifery—you have relatives that are probably nurses etc. so you have some idea of what it would entail to be a midwife, I take it.

**Mr. John Stasiw:** No, I don’t. I know I’ve read the information and, again, my limited knowledge of that whole practice and functional expertise required is minimal. But, again, I think that the council has a collection of experts on that group that would provide that and help me understand it better. I think that over the first little while, should I be successful, I would then take to understanding as best I could, but never would I ever presume to be an expert.

**Mr. Granville Anderson:** That’s right. None of us are, and sometimes it’s better to have a set of eyes from the outside. Sometimes that actually is a positive.



**Mr. John Stasiw:** I see that my strength would be to offer that outside opinion. I mentioned in my little brief that I was very big at developing thought processes of those who worked with me, because I believe that challenging the status quo and challenging problems that you have is better done through a good, structured thought process to understand all of the real issues, the needs of the problem, the needs of the solution, rather than the nice-to-haves and all of the noise that's created. One thing I did learn in the health care sector is that it is extremely emotional. It is extremely complex. I think that there tends to be a lot of noise created and you need to be conscious of eliminating the noise to find the root-cause problem and address that. I see that's where I could help this council.

1030

**Mr. Granville Anderson:** Thank you for putting your name forward. Very well said. Thank you.

**The Acting Chair (Mr. Lorenzo Berardinetti):** Mr. Dong?

**Mr. Han Dong:** Thank you, Chair. Good morning, Mr. Wallis. Thank you for coming to committee.

*Interjection.*

**Mr. Han Dong:** Sorry?

**Mr. John Stasiw:** Stasiw.

**Mr. Han Dong:** Oh, I'm sorry. Mr. Stasiw. I see that you have experience in—just let me find that page. I've got it here.

Can you tell us how your previous career will help your work at this council?

**Mr. John Stasiw:** For most of my career, I guess I was always the what some might call fortunate and some might call unfortunate one who has always handled the problem areas of any company that I worked for. So I was always looking for solutions. We typically had to turn it around.

I had a great leader one time who I noticed had a real knack for understanding how to delve into all of the information and find the true problems with the corporation, to clarify what those problems were amongst those who were within it, and then to work with them to find some solutions. I really did model my whole business career around that, and I think that is where I would have strength.

If you look at the midwives' council, at the college, right now, they have a problem of not enough midwives and not enough coverage. I think I could take some of those skills that I have around how to grow businesses and still go out and look to see how I could help them gain enough members to make them effective in offering their services, especially in those areas where they are not readily available today.

Again, as I said earlier: Access, to me, is a key, critical part of having health care, and I do believe that there are gaps in having access in our system.

**Mr. Han Dong:** That's great. I want to offer my best wishes to you in your new endeavour.

**Mr. John Stasiw:** Thank you.

**The Acting Chair (Mr. Lorenzo Berardinetti):** Thank you. We'll move on to the official opposition: Ms. Scott.

**Ms. Laurie Scott:** Thank you so much for appearing here today. It's quite a directional change—in the topic, anyway—from your previous business experience, so I appreciate the comments that you've made.

I have a very strong midwives' association in my riding in the Haliburton area, so I hear some of their frustrations, especially in accessing the accompaniment of a hospital that is willing to take them on if they need it. So that's a rural area.

You were with Headwaters health care. At that juncture in your life—because you have quite an impressive resumé here—did you hear anything about the situations locally?

**Mr. John Stasiw:** That's an interesting question to ask, especially, I think, with the experience.

Everything I know about the midwives who came into the hospital and gained credentials to work within Headwaters happened before my time. But as we were involved in a strategic directional change of trying to combine, at the time, Headwaters, William Osler and the CCAC that was stopped for a change by the minister, I had opportunities to deal with the doctors' group, which managed to always remind me of 100 years of history and how doctors had built this country. One of the ones they always talked about was that they were dead set against having midwives come into the hospital.

Midwives were granted credentials to come into the hospital, and it has been nothing but a successful program since then. My thing is that I understand from a secondary party the great benefits of having midwives there and the access for the public to that option.

**Ms. Laurie Scott:** That is the challenge I was alluding to. Midwives have a huge role. It's much in demand, right? I think the statistic says that 16% of all births in Ontario are supported by midwives.

I certainly hear of it on the ground everywhere. I'm a nurse in my other life. I was not a midwife, nor did I work at anything to do with delivering babies, but the demand among the public for midwives is very large. They don't want to go into hospital settings unless they have to.

I know when the midwives come down for their days at Queen's Park, also, they have some genuine concerns.

Your skill set and their emotion—as you say, this is a very emotional issue—will be very helpful, I think, to their advancement in educating both the public and the doctors in the hospitals of a comfort zone that hopefully can be established a little bit more, so that some of their difficulties that they have now in accessing hospitals or doctors when they need to—in that collaboration of work that doesn't exist, as you had mentioned.

I don't think I have anything more technical to ask you. I mean, you've got a learning curve that's different, from president of Simmons—

**Mr. John Stasiw:** Simmons Bedding Co.



**Ms. Laurie Scott:** —to being on the council for midwives. It's a very impressive turn. Thank you for your willingness to bring your skill set to that very foreign or maybe somewhat foreign territory; I know you were on the board of the hospital. Thank you.

I know my colleague here wants to ask you some questions.

**Mr. John Stasiw:** Thank you.

**The Acting Chair (Mr. Lorenzo Berardinetti):** Mr. Oosterhoff.

**Mr. Sam Oosterhoff:** Thank you very much for coming forward and, as she said, being willing to have that transition and to learn about this new adventure.

I guess my question is actually not very related, but I've noticed that the member from the third party usually asks all of the witnesses this question, and he hasn't been asking them today, so I figured I would follow up: Have you ever donated to the Ontario Liberal Party?

**Mr. John Stasiw:** No.

**Mr. Sam Oosterhoff:** Okay, perfect.

**Mr. Wayne Gates:** Because I knew that.

**Mr. Sam Oosterhoff:** Pardon?

**Mr. Wayne Gates:** I knew that answer.

**Mr. Sam Oosterhoff:** Oh, okay. Normally, he asks everybody, so I was like, "Man, this is interesting."

I'm curious: Have you been given any indication about the time commitment that's required by this appointment, and are you confident that you can provide the necessary time?

**Mr. John Stasiw:** That was gone over with me extensively, to the point where in almost every conversation I had, leading up to my appointment being moved on, it was always made sure that it was discussed in going forward with me.

As I explained to them and I'll explain here, I'm retired, and when I look at the time commitment versus what I used to give when I was working, it's not a problem at all. In fact, I told them that I'll go on every committee that they want, because I just believe that it's an important subject that I want to contribute back to.

**Mr. Sam Oosterhoff:** What would you say the greatest challenge is going to be for you in this transition?

**Mr. John Stasiw:** I think the biggest thing is to understand the issues that they're faced with, and to understand which of those issues can be corrected easily, and then which of those are going to take some more hard work to do.

The thing that worries me, as it did when I was in the hospital framework and working in the health care system, is the complexity and the way that the system moves, and as slowly as it does, with so many who have beliefs based on the past and not the future, and that there's not a willingness to step out of a comfort zone sometimes, because stepping outside of a comfort zone can create some issues and some problems. If you do that without being very knowledgeable and having a good thought process to understand all of the risks and rewards, then I think you can create some problems. The last thing you want to do in the health care system is

create problems, because people enter the health care system with the understanding of quality, safe care. I think you have to be cautious, but you have to also be able to move forward. That's what I'm concerned about, I think—the biggest part.

I may have been the president of the Simmons mattress company, but I started in the food business. I went into the lighting business. I went into the lawn and garden business. I was in the office furniture business. I have changed both functions and industries, so learning and new challenges are not something that I fear. But it's still going to take me much more time, I think, in this one, because some of those skills aren't directly relatable.

**Mr. Sam Oosterhoff:** Right. Thank you.

**The Acting Chair (Mr. Lorenzo Berardinetti):** We'll move on to the third party: Mr. Gates.

**Mr. Wayne Gates:** Good morning, John. How are you?

**Mr. John Stasiw:** Good.

**Mr. Wayne Gates:** I'll start off by asking—and it has already been done, but I have a set of questions here, and I want to make sure I get through them—what is your background with the College of Midwives, and midwifery in general?

**Mr. John Stasiw:** There is none.

**Mr. Wayne Gates:** So you have none?

**Mr. John Stasiw:** There is none.

**Mr. Wayne Gates:** Okay, thank you.

Similar to another witness that we've had before our committee, I'm really interested in how your previous experience and qualifications relate to the College of Midwives.

**Mr. John Stasiw:** I think the qualifications that I bring are not on the technical aspects of what it is, but with understanding conflict resolution. I see that my skill of having been in and having dealt with many large organizations, and having employees work for me—to deal with those kinds of conflicts, I think I have got great experience. I've built businesses. I've improved effectiveness and I've improved efficiencies.

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One of the examples I would look at is with them right now being understaffed—I think they have around 68 members today; they probably need about 78 to 80. But part of the issue that they're faced with now is funding. Anybody who might even want to go and get some expertise and some academic qualifications can't go and get funding because no one offers funding. For those types of things, I think I could probably go and help the college understand ways to make those available and help some of those third parties to understand the benefits of offering some of these programs, so we can get more people interested and create an environment where people see a career in midwifery rather than just saying, "It's something I can't do."

**Mr. Wayne Gates:** I appreciate that.

How do you feel your time as president of Simmons Canada—I believe that was a bedding company. Am I right?



**Mr. John Stasiw:** It was, yes.

**Mr. Wayne Gates:** I'm sure some babies may have been made on some of those mattresses; just a thought, there—will contribute to the management and administration of the College of Midwives?

**Mr. John Stasiw:** We were a union environment in our manufacturing facilities, and as always, in those environments there were issues that were brought up and dealt with. I think I would say that I was probably able to deal with them fairly and openly, to the point where—would I say that I resolved every one to perfection? I'd be lying through my teeth if I said that. I think I always got a solution that was a compromise, but all people were pleased with what we did.

**Mr. Wayne Gates:** I'm very proud of the fact that I was a union member for a long, long time at CAW/Unifor. As president of my local union, I didn't win everything, either. It's all about working together and finding solutions so that there is a win-win, quite frankly. That is a skill and an art that is very hard to learn, and very few can do it.

After looking into the practices of midwives, I was interested to see that 27% of women are unable to access a midwife. I also understand that out of 100 hospitals that offer maternity services, only 79 have midwives. Do you believe these barriers to access for a midwife are a problem in our province?

**Mr. John Stasiw:** I do, because I believe that everybody should have options available for the health care they want to choose. I think through understanding the programs, if it is so chosen by an individual in the province, by a woman to have her baby through a midwife, she should have access to that. I believe that's a foundation of every health care system.

**Mr. Wayne Gates:** I'm not really sure how much you know about it, but you did talk about the fact that people should have the health care they need where they need it and when they need it, including in rural Ontario, where we're closing hospitals and cutting back.

I'll tell you a quick story that deals with having babies. You've heard of Niagara Falls, I'm sure.

**Mr. John Stasiw:** Absolutely. My wife is from St. Catharines.

**Mr. Wayne Gates:** Oh, is she? I originally grew up in St. Catharines.

In Niagara Falls, the honeymoon capital of the world, you can come to Niagara Falls and make babies, but because of cutbacks, we can't deliver them. That's a big concern for us. I thought I'd throw that out there. I think we should be able to deliver babies in Niagara Falls instead of going to St. Catharines.

Is there something that the College of Midwives can do to help address access to midwives?

**Mr. John Stasiw:** Again, it goes back to how there aren't enough people getting into the field and into the practice. There are some stumbling blocks, as mentioned—funding and those kinds of scenarios. To do an education program to create being a midwife as a career is an important part because once you gain the appropri-

ate number of people who can afford coverage, you can then work on giving more people access to that around the province.

**Mr. Wayne Gates:** And you touched a little bit on that in my colleague's question on staffing and some of the issues around staffing.

**Mr. John Stasiw:** Any time you start to deal with giving up historical territorial coverage or rights that people see, you get into discussions about how you're taking something away versus actually building a better model. That's where my experience in being able to create environments where people can see the benefit and the betterment, rather than the negative from the historical perspective, would help the college.

**Mr. Wayne Gates:** Another interesting issue that I wanted to bring to your attention was a recent application made to the Human Rights Tribunal of Ontario by the Association of Ontario Midwives regarding a gender penalty in their pay. They were comparing their services to that of a doctor, and they had identified a 48% gap in their pay. The Human Rights Tribunal of Ontario has not yet made a decision on this application. However, I would like to know your thoughts on the claim that midwives face a gender-based pay gap. Do you believe their application has merit? There's another part to that question, but I will let you answer that.

**Mr. John Stasiw:** I believe that in all industries, not just this one, people should be paid equally irrespective of any differences there are. So if there's a pay gap because of gender, then, no matter what this tribunal will rule, I still will believe that, if they're doing services equal to what a doctor does, they should gain equal money for it.

**Mr. Wayne Gates:** So then you do believe that the application has merit?

**Mr. John Stasiw:** Absolutely.

**Mr. Wayne Gates:** How could the college help to address the gender-based pay gap?

**Mr. John Stasiw:** The only way that I can see to be able to do that is through education on the services provided and the quality of care. Provided the services and the quality of care are equal, then I think people need—I think people are fair. I think they'll understand. If it doesn't require seven years and 30 years of experience to deliver and take care of a baby and take a woman through the birth and afterbirth, then I think, as long as they understand that there's equal care and equal services, there should be an understanding that there's equal compensation.

**Mr. Wayne Gates:** Okay, I'm sure that a lot of people will like your response. Hopefully the Human Rights Tribunal is listening.

**Mr. John Stasiw:** I don't do it to be liked; I do it because it's right.

**Mr. Wayne Gates:** Here's a question that I'm going to go back to because I thought it was very interesting, because few people who come before us say this: You believe that I should have the opportunity to get the health care that I need, where I need it, when I need it,



why I need it and for everybody, including—as we are all finding out—our senior population, which is really struggling with getting proper care. A lot of them don't drive, a lot of them don't have public transit, and they're being forced, quite frankly, to drive long distances to get any kind of care. Do you think you could elaborate on how you came to that—because I thought it was very interesting. I think it's a fair answer, and I think you're absolutely right, by the way.

**The Acting Chair (Mr. Lorenzo Berardinetti):** Okay, that's time.

**Mr. Wayne Gates:** Oh, he's got to answer it—

**The Acting Chair (Mr. Lorenzo Berardinetti):** If you want, you can give a quick answer back, but the 10 minutes have gone by.

**Mr. John Stasiw:** I had a knee operation a couple of years ago. I lived in the States for 20 years and had great medical health, always have—a fortunate thing. It was simple. In the United States when I was in Tennessee, I had my operation: I saw the doctor on Monday. I said, “When can we do the operation?” He said, “What are you doing Thursday?” Here, I had to wait six weeks and then, luckily, only had to wait another month. Once I got into the health care system—I will tell you this, the health care in this province is as good as anywhere in the world; it's just getting into it that's the problem.

**The Acting Chair (Mr. Lorenzo Berardinetti):** Okay, thank you. That concludes the questions. Again, Mr. Stasiw, thank you for coming out this morning. The committee will make its decision at the end of the other presentations today.

**Mr. John Stasiw:** Thank you.

#### MR. PAUL WALLIS

Review of intended appointment, selected by third party: Paul Wallis, intended appointee as member, council of the Ontario Professional Foresters Association.

**The Acting Chair (Mr. Lorenzo Berardinetti):** I'm going to go back to Mr. Paul Wallis, appointed as member for the council of the Ontario Professional Foresters Association. Good morning, Mr. Wallis. You have about five minutes for your presentation, and then we're going to go around asking you questions from each party.

**Mr. Paul Wallis:** Okay. Thank you very much for having me down here today. I certainly want to apologize for being late. I was sort of a victim of the transit system this morning. I had to end up actually taking a cab just to get here.

Anyway, I just want to give you a brief background of my working career. Currently, I am retired. I retired about 18 months ago. I have spent my career, largely, in the internal audit financial area. I started my career, actually, at TransCanada PipeLines in the accounting area, and then I moved on to the internal audit area and worked there for 17 years. TransCanada PipeLines, at that time, was mostly a gas transmission company, and it

has now, as you probably know, expanded into a large energy company. They moved to Calgary, and I didn't.

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I then changed positions and became an internal auditor at Nestlé, or what they call an information technology auditor, and worked there for a period of time. Then I moved on to Consumers Gas, which is now Enbridge, with a role in the information technology audit field.

Then I changed careers again. I went into internal audit, but this time for a financial institution, which was Sun Life Financial, a mutualized insurance company at the time that I worked for them. Now they're a large financial institution. Then I did a complete turnaround and I joined the Ontario public service. I worked in the Ontario public service for 10 years for the internal audit division, which I now believe is part of the Treasury Board Secretariat. At the time that I worked there, it was part of Management Board and the Ministry of Finance.

I had a number of roles in the Ontario government audit area. I was the director of audit for the children and youth services and community and social services clusters, I was the audit director for the corporate audit side, and I also helped develop training programs and the administration for 235 auditors across the province of Ontario as the strategic adviser to the chief internal auditor. After that I went to the region of Peel, where I became the head of internal audit, and later moved on to become the head of internal audit for the city of Vaughan.

The point I want to make on the last two appointments that I had, when I was actually leading the audit function in the municipal sector, is that I became very much concerned and involved in moving away from what I would consider a lot of the financial compliance type of audit role into what I would call a governance, accountability and risk management type of role. My role basically changed, where I turned into what the audit profession calls a trusted audit adviser, where I worked closely with council at the city of Vaughan, providing them with advice as well as providing internal audit results. I worked very closely with senior management at the city of Vaughan, providing them with advice, where basically the audit profession was turning from not being a gotcha-type function into, “How do we contribute to the organization moving forward?”

Having said that, when I retired, I thought, “I would like to be on the other side of the fence.” I would like to be on a board that has to deal with the issues as opposed to maybe somebody who is constantly approaching a board and basically advising them or telling them what to do in a setting that can at times be fairly confrontational.

I did apply for a lot of different boards, and I was selected to serve on this board. I guess the question that comes up is, “What's an internal auditor that's been doing it for 40 years doing on a forestry board?” That's a very good question. The issue here is that what I bring to the table is a good understanding of finance, a good understanding of governance, a good understanding of



accountability and, more importantly, a good understanding of risk management. These are areas where I think boards need to maintain their strength. It's not all about technical knowledge. I think there are a variety of skills that are needed to serve on an effective board. What I bring to the Ontario Professional Foresters Association is an alternate way of thinking that's non-technical, but based on experience that I've had dealing in a lot of different industries.

**The Acting Chair (Mr. Lorenzo Berardinetti):** Thank you very much. We'll start the questioning this time with the official opposition: Mr. Oosterhoff.

**Mr. Sam Oosterhoff:** Thank you very much for taking the time to come in. I totally understand the delay; that's what happens, unfortunately, sometimes. I'm sorry you still have to take a cab at the end of the day.

What would you say is the main purpose of the Ontario Professional Foresters Association?

**Mr. Paul Wallis:** The Ontario Professional Foresters Association is very similar to an organization that I belong to, which is the Institute of Internal Auditors. What it does is it basically regulates its members that practise professional forestry. It sets standards, it provides training and it promotes the profession of professional forestry. Even though it's not directly involved in, I would say, the deep technical aspects of managing forestry, the members are; and the purpose of the association is to make sure that those members are operating while complying with legislation, but, more importantly, delivering a professional service that meets the needs of the public.

**Mr. Sam Oosterhoff:** Perfect. How are you going to best promote those goals?

**Mr. Paul Wallis:** Clearly, I have a learning curve as far as the technical side of it is concerned. I do know what a tree is, but that's probably the extent of it, to be quite honest with you.

But what I'm able to do is I'm able to ask questions and able to offer advice, given what the discussion is, in relation to governance, accountability, and, as I said before, risk management. I think one of the things that boards really have to become more aware of and be more engaged in is that, when they are pursuing the strategic objectives of any particular organization, they really have to have a good understanding of what their objectives are, how they are going to achieve those objectives, and what are the risks inherent in meeting those objectives, because there are risks and they should be known, they should be discussed and they should be mitigated as much as possible.

That's what I can bring. That's what I can bring to this board and, quite frankly, that's what I could bring to any board, because I think that's an area of expertise that, through my professional career—I have seen this happen so often with issues that have come up in organizations, where there really hasn't been a good understanding of what the objectives are, the processes that they have to meet those objectives, and how they can manage their risk to make sure they can at least stay on track. That's

what I feel I can bring to this particular board to help this organization.

**Mr. Sam Oosterhoff:** Perfect.

People say, "Do what you like and like what you do." What would you say is the most exciting thing that you're anticipating about being part of the professional foresters association? What are you excited about?

**Mr. Paul Wallis:** I think, from my side, it's getting more involved in the strategic planning side and getting involved in making it clear how the professional foresters association can better maybe clarify their goals or get a better understanding of their goals and understand the risks with those goals.

I have a very strong interest in the governance and accountability side of how boards operate. For me, that's the exciting part. I don't consider myself an overly technical person anymore. I used to be, when I started my career. But over the years, I have learned that the most exciting things in an organization are at the board governance level. That's what drives success in any organization.

**Mr. Sam Oosterhoff:** I have one more question and then I'll pass it along to my colleague.

It says there are 19 committees on the OPFA that consider such diverse matters as registration, member discipline etc. Have you thought about which committees you would like to be on?

**Mr. Paul Wallis:** I'm open for any committee. Obviously, if I was asked to volunteer for any particular committee, it would be committees related to the strategic side of the business. But given the fact that I am retired—I still do some facilitations in my profession, but those are sort of very far between—I could devote myself to anywhere the board thinks that I can best serve them.

**Mr. Sam Oosterhoff:** Perfect. Thank you very much. I appreciate you stepping forward.

**Mr. Paul Wallis:** Thank you.

**The Acting Chair (Mr. Lorenzo Berardinetti):** Ms. Scott.

**Ms. Laurie Scott:** I just want to thank you for wanting to contribute after retirement and to fight the traffic coming into Toronto. It's an impressive resumé, and I wish you luck on your journey.

**Mr. Paul Wallis:** Thank you very much.

**Ms. Laurie Scott:** You're welcome.

**The Acting Chair (Mr. Lorenzo Berardinetti):** We'll move on to the third party: Mr. Gates.

**Mr. Wayne Gates:** Good morning. How are you?

**Mr. Paul Wallis:** I'm all right.

**Mr. Wayne Gates:** Congratulations on your retirement.

**Mr. Paul Wallis:** Thank you.

**Mr. Wayne Gates:** I'm going to make a quick statement on it. We've got to make sure that, when you retire, the funds that you work so hard to get are there. We've got a big issue in the province, even today, with a workplace in Ontario where the employers aren't living up to the pensions of retirees. It's a big concern of mine,



so I thought I would raise that only because you mentioned the fact that you're a retiree.

What is your background in the forest industry?

**Mr. Paul Wallis:** I have absolutely no background at all in the forest industry.

**Mr. Wayne Gates:** Okay. I understand you have extensive experience in financial auditing and that you are a chartered professional accountant.

**Mr. Paul Wallis:** Correct.

**Mr. Wayne Gates:** How do you believe you can use these skills to assist you in performing your duties as a council member with the OPFA?

**Mr. Paul Wallis:** I can certainly help on the financial side, dealing with the external auditors and dealing with any sort of financial presentation, any type of financial analysis that is dealing with the issues that need to be addressed within the association. But I would like to take this opportunity to maybe point to a couple of my other designations that I believe you may have information on, which are my certified internal auditor designation, my certification in risk assessment, and one that's not mentioned there: my certification in information systems audit.

So it's not just a financial spectrum that I can obviously bring based on being a professional accountant, but the idea of the systems designation and the risk designation is that I can bring those skills to the table as well—especially, maybe, around how processes work, how systems work and how technology works, depending on the degree of technology that the association is using.

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**Mr. Wayne Gates:** I appreciate that, but I can guarantee that I read all of the stuff and prepare quite well before I come here, so I knew exactly what your background was. I appreciate you raising that as well.

The OPFA outlined a number of objectives in their strategic plan for 2016 to 2019. How do you feel these four main objectives can be achieved?

**Mr. Paul Wallis:** I have read the strategic plan. It's a very short strategic plan; I believe it's a couple of pages. On the one hand, I think that's very good. Short strategic plans are easier to deal with.

They have very good objectives, but one of the things that I would probably suggest is a more in-depth analysis related to the risks of trying to meet those objectives and how you know that you've met those objectives.

One of the things that I find when people set objectives is that there's not necessarily a link back to whether or not we have the right measures, the right tools or the right processes to determine whether or not those objectives have been met.

When you say, "My objective is to enhance the visibility of the Ontario Professional Foresters Association," and when you're reporting back to the members, how can you tell them that you have been successful on that?

To me, that's where I would like to see—and it's not just related to their strategic plan. I have come across this in a lot of strategic plans. Quite honestly, I have seen it

happen in some cities that there are very good objectives, but there's not necessarily a clear link to knowing whether or not you've met those particular objectives and that people have really understood the reasons why you haven't met those objectives. It could be risks that are beyond the control of the board and of management who are involved in trying to pursue them.

**Mr. Wayne Gates:** Just touching a little more on that, the four objectives that would improve the OPFA are: regulatory functions; enhanced public awareness; provide support to its members—which is always important no matter what organization you're with; and provide guidance to potential new members.

**Mr. Paul Wallis:** Right.

**Mr. Wayne Gates:** What type of guidance do you think that they need to give to new members?

**Mr. Paul Wallis:** Being a member of a few professional associations myself, and I reflect back—I'm actively involved in the Institute of Internal Auditors, which is a global organization that is run out of the state of Florida—you really have to provide good education, good training opportunities and a lot of information in terms of what's happening in the profession.

I recognize that the OPFA is a smaller organization. That's fine. You tailor it down to the size that's needed. The Institute of Internal Auditors—and I'm actually a facilitator for them, so I still work part-time. I do facilitation sessions in the US, and I have done them in Africa and South America. You provide that ongoing education and the opportunity for members to be able to get access to research and information to pursue avenues that they're interested in.

To me, it's not just training programs but a competency framework and what types of activities are needed to meet the aspects of that competency framework.

More importantly, it's not just technical competencies. Once again, my experience in my profession is that I've met a lot of really good auditors, but on the soft skills, those are areas that probably need to be developed in terms of negotiation and dealing with conflict. I don't know the extent to which that happens in the OPFA, but I know that in the profession that I worked in, conflict was quite a regular occasion.

**Mr. Wayne Gates:** On the members' side of it, I think you're correct. I guess my question to you is—because you said it's a very small organization; it's not that big: How important is it for public awareness to know exactly about the association?

**Mr. Paul Wallis:** Once again, it's identifying that part of the public that you need to target. With a very small organization, you're not going to be able to do what I would call a grand-scale public awareness type of activity. But like in any other marketing activity—and I think developing awareness to a large extent is a marketing activity—who is your target audience? Who targets the best from those who are working in their profession? How can you better reach them?

**Mr. Wayne Gates:** I'm going to read this into the record because I think it's important. Actually, I'm a big



supporter of public awareness. The OPFA started a social media campaign—I don't know if you're aware of that—in 2016 to improve public awareness of the association and the role its members play. The association also used more traditional outreach methods such as presentations to government bodies, which I think is important, media and forestry schools. What do you think of what they are trying to do to get the message out?

**Mr. Paul Wallis:** It's a good start. To me it indicates a very key target market that they would have to reach initially. From there that's what I focus on and then try to determine if there are other opportunities. Maybe there's a way of building up the awareness where you promote the profession to the degree that the membership could expand. I'm not suggesting that that's one of their objectives, but my experience with the Institute of Internal Auditors is that a lot of the training sessions that they put on and the awareness that they built crossed over from the internal audit profession into management, especially risk management. There was that way of penetrating different markets based on building awareness in core markets.

**Mr. Wayne Gates:** Okay. Well, I pretty well have run out of my questions that I did prepare before you got here. I want to say thanks for coming and I enjoyed your answers.

**Mr. Paul Wallis:** Thanks very much.

**The Acting Chair (Mr. Lorenzo Berardinetti):** We'll go to the government side. Mr. Dong, your questions?

**Mr. Han Dong:** I just want to thank you for putting your name forward to contribute to public service after a long career in the public service. Thank you very much for doing that. I wish you the best of luck in your new position.

**Mr. Paul Wallis:** Thank you.

**The Acting Chair (Mr. Lorenzo Berardinetti):** Is that it, then? Okay. Great. Thank you, Mr. Wallis, for coming out today. We will make our decision after two more deputations.

#### MR. CHRISTOPHER CONTI

Review of intended appointment, selected by third party: Christopher Conti, intended appointee as member and vice-chair, Ontario Municipal Board (Environment and Land Tribunals Ontario).

**The Acting Chair (Mr. Lorenzo Berardinetti):** The next deputation is Christopher Conti, to be member and vice-chair for the Ontario Municipal Board (Environment and Land Tribunals Ontario). Good morning. You have about five minutes for your presentation, and then we'll ask questions around the table here.

**Mr. Christopher Conti:** Great; thank you. Mr. Chair and members of the committee, my name is Chris Conti. I'm a member of the Ontario Municipal Board from Oshawa. I'm happy to appear before you today as the nominee for the vice-chair position at our board.

To briefly describe my background, I hold an honours bachelor of arts degree from the University of Toronto and a master's degree in environmental studies from York University. I have had 40-year-long career, which for the most part has dealt with land use planning and development issues, for a large part, from the environmental perspective.

My career began with the Ministry of Natural Resources, actually right next door to this building at Whitney Block. I worked there as an environmental planner, and I was part of a group responsible for bringing the ministry's projects and programs into compliance with the Environmental Assessment Act, which had been proclaimed shortly before I started.

I then worked for Central Lake Ontario Conservation Authority in Oshawa, where I held a number of senior positions over a 16-year period. It was there that I really cut my teeth on land use planning issues and municipal process. Among other things, I was responsible for municipal plan review, watershed planning, and administration of fill and construction regulation.

As you know, conservation authorities work closely with their municipal partners. Municipalities in Durham region at that time were experiencing substantial growth, and they still are. While conservation authorities deal with a fairly narrow range of issues, it's necessary to understand the nature and function of various planning instruments in order to ensure that comments are appropriate and can be effectively applied. Also during that time, I gained experience with the way municipalities and their councils deal with planning applications.

After 16 years at the conservation authority, I left and did some consulting work for my own company and worked as executive director of Friends of Second Marsh, a non-profit group where we prepared and delivered environmental education programs and moved forward with a major project called the Great Lakes Wetlands Centre.

Through the years, I also gained some exposure to the adjudicative process by appearing a number of times before our board as a witness and by helping clients with appeals. Also, while at the conservation authority I was responsible for the authority's response to appeals before the Mining and Lands Commissioner.

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I lived in Port Hope for a number of years, where I was involved with a number of community organizations generally dealing with environmental issues in Port Hope.

In 2007, I was appointed to the Ontario Municipal Board. Since that time, I have been undertaking the significant work of the board—that is, resolving disputes through adjudication and mediation. It has been an honour to serve on our board for the last 10 years. It has represented the culmination of the knowledge and experience that I have gained throughout my career and community involvement.

During the past 10 years, my knowledge of the Planning Act and other legislation under which appeals are referred to the board has deepened, and my



experience with the adjudicative process and mediation has grown significantly. The issues that we deal with at the board are central to our communities and the people who live in them. They help shape neighbourhoods throughout the province and can directly affect the lives of people living in those neighbourhoods.

As members, we are experienced in planning and development issues and municipal process. We make decisions based upon the evidence raised at hearings and ensure that in the case of planning appeals, provincial policy direction is followed and proposals meet the requirements of local planning policy.

Through the adjudicative process, extensive and detailed evidence related to the matters under appeal is provided and tested. Hearings can be heavily contested and difficult. The process provides for an intensive review of the issues related to appeals. Sometimes the resulting decisions are different from those of municipal council and contrary to the positions of local residents. This can lead to controversy. I believe board decisions will always be controversial. However, I know that I and all members of the board treat these matters very seriously and do not make decisions lightly.

Mediation provides an alternative means of resolving disputes before they go through adjudication at a hearing. The board's mediation program has been very successful in resolving issues, which often shortens the length of hearings or can make them unnecessary altogether.

The work of our board is very interesting, complex, challenging and rewarding. I believe that our board provides an important function for the people of Ontario by resolving disputes through proven methods that serve to protect the public interest. I would like to be able to continue the important work of the board, and I believe that I am ready to take on the challenges and responsibilities of a vice-chair position. I hope you will look favourably on my candidacy.

Mr. Chair and members of the committee, thank you for your invitation to appear here. I am willing to take any questions the committee members might have.

**The Acting Chair (Mr. Lorenzo Berardinetti):** Thank you, Mr. Conti. The first questions will come from the third party: Mr. Gates.

**Mr. Wayne Gates:** Thank you very much. I appreciate that. How are you today?

**Mr. Christopher Conti:** I'm good, Mr. Gates.

**Mr. Wayne Gates:** Good. I see that you have extensive experience with the Ontario Municipal Board. Just generally, before we get into specifics, how does the witness feel his previous experience will assist with the role of vice-chair of the OMB?

**Mr. Christopher Conti:** My experience with the board is critical in terms of my taking on a position as vice-chair. As a vice-chair, we have to guide new members and provide some training. We are mentors.

Also, one of the main functions of a vice-chair is to serve as duty vice-chair, which means the vice-chair reviews the decisions of other members that are prepared, before they are issued. It also takes on some of the

administrative functions that are the responsibilities of a member, such as approving adjournments and other matters of those kinds. Having experience as a member is critical to be able to make those sorts of decisions, to know whether there are issues with the decisions that other members have written, when you are reviewing them. So I think it's a very important qualification to have, to be a vice-chair.

**Mr. Wayne Gates:** Having said that, how has the OMB changed since 2007, and what should the goals of the OMB be, going forward?

**Mr. Christopher Conti:** How has it changed since 2007?

**Mr. Wayne Gates:** Well, since you've been on it.

**Mr. Christopher Conti:** There has been substantial change, actually. Yes, there has been. When I started, we were a separate board. We're now part of a cluster called ELTO, Environment and Lands Tribunals Ontario. So there have been changes in terms of, I guess, some of the overall umbrella documents and protocols that guide members of our board.

I think one of the major changes that has developed over the last few years is the mediation program whereby many complex appeals now go through mediation, which helps to resolve issues and, as I said in my presentation, shortens hearings.

There have also been changes in the Planning Act which have provided more deference to municipal decisions, so the board has to have regard for municipal decisions—and we do, when we render our decisions.

There has been a new PPS that came into force in 2014 which has some new provisions.

Also, the growth plan came into force in 2006; it was shortly before I started. Since then, the municipalities have developed their official plan amendments to comply with the growth plan, which has brought in, really, a new set of rules that we need to deal with at the board.

Those are some of the major changes.

**Mr. Wayne Gates:** The government has proposed several changes to the OMB. Could you comment on the changes and how they may address some of the concerns that municipalities have with the OMB, a big one being—and you touched a little bit on it—that elected councillors who sit on councils and who live in the community feel they know what is best for the community compared to an unelected board that overturns those decisions.

Based on all of the good things that you said, you don't take it lightly. You take this decision seriously. But it has caused a lot of conflict between people who sit as councillors—which I did, by the way, for a number of years in Niagara Falls—and overturning decisions.

I'm going to give you a quick example, one that drove me nuts. I wasn't on council then; I was actually an MPP. Our local councillor turned down putting a new service station on Thorold Stone Road, right at a corner. The corner comes like this, and within 100 yards is a school. They turned it down.



Obviously, they appealed to the OMB. The OMB overruled the thing. Today what we have—and we just had a new bill about student safety and all that kind of stuff. We now have a service station that has eight pumps that come off the main road and the side road where the school is.

Those are the types of decisions that I think are happening across the province. Maybe you can address some of that with the example I gave you.

**Mr. Christopher Conti:** Okay. I don't want to provide an opinion on the new legislation because I think it's not appropriate for board members to comment on legislation that might be coming forward and affect their work.

The only thing I will say is that it seems, from my review—and I haven't done a detailed review—to be causing substantial change or to have caused substantial change in the way we do things. I am not sure how complex appeals will be dealt with under the new legislation.

To address your point about conflict and the board reversing decisions of elected officials: I think a lot of the conflict and controversy results from the board dealing with matters through adjudication and municipal councils dealing with things through their process.

As I said in my opening, in adjudication, we are bound to make decisions based upon the evidence that's brought forward at a hearing. I don't know the evidence that was brought forward at the example that you raised about the gas station. You would have to do a review of that evidence and the quality of the evidence to really criticize a decision, basically.

Municipal councils deal with matters on a totally different basis. People make deputations. Applications are reviewed by staff. Council makes their decision in a public forum. But it's different: We are bound to look at the evidence, review things in detail and make decisions based on the evidence brought forward and the planning policies that are in place, and that's what we do. I think that's why there is this disconnect, sometimes, between what the municipalities decide and what our board decides.

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**Mr. Wayne Gates:** Well, I think certainly it's a fair comment, and in your eyes it's certainly balanced. But I am going to give you an example of the OMB caseload here. The OMB caseload from 2013-14 to 2015-16 remained relatively consistent, with approximately 1,000 cases being resolved each year, which is good. A thousand cases resolved is good. Whether it's at the mediation or appeal process, it doesn't break it down. The total caseload in 2015-16 jumped to 2,437. The largest number of cases—74%—in 2015-16 was for the central region, comprised primarily of the GTA. The GTA has long called to get rid of the OMB process. Why do you think that 74% of the cases are coming from the GTA, if you have any idea of that, and why do you think that elected councils probably drove the changes to the OMB that we're now going through?

**Mr. Christopher Conti:** I can't comment on the last part.

The reason why there are so many cases in the GTA, I expect, is because of the number of development applications in the GTA and the development activity. I think you would have to do a more detailed analysis to really determine what the cause was. But I don't know if there's any greater proportion of appeals coming from the GTA, when you look at the number of applications, versus any other area. I really couldn't say.

**Mr. Wayne Gates:** Well, I think the telling factor there is that whether it's 74% or whether it's in Niagara and it's 50%, elected councillors are saying that we have to fix this problem. That's probably what's jumping out—

**The Acting Chair (Mr. Lorenzo Berardinetti):** Okay—sorry to cut you off. That's 10 minutes now

**Mr. Wayne Gates:** Okay, thank you very much.

Thanks, sir. I appreciate it.

**The Acting Chair (Mr. Lorenzo Berardinetti):** We'll go to the government side: Mr. Anderson, and Ms. Mangat after that.

**Mr. Granville Anderson:** Mr. Conti, thank you for putting your name forward.

You alluded to the economic growth in Durham region—so much so that the Toronto Star referenced Oshawa a couple of days ago. That growth is attributable to strong Liberal economic policies. Governments make policies, and we have made policies that benefit that region and actually the entire province.

The Conservatives, for instance, were against the stimulus package to bail out GM. If that had not happened, that growth wouldn't have been there. Both the Conservatives and the NDP have voted against a number of Liberal budgets that contributed to the growth in Durham region—and in the whole province, as a matter of fact.

If it wasn't for that bailout, do you believe we would be experiencing such growth in Durham region, in Oshawa and surrounding areas, for instance?

**Mr. Christopher Conti:** Of the auto industry? Is that what you mean?

**Mr. Granville Anderson:** Yes.

**Mr. Christopher Conti:** It's hard to say.

**Mr. Granville Anderson:** Yes, I know you can't answer that—

**Mr. Christopher Conti:** The auto industry is very important to Oshawa.

**Mr. Granville Anderson:** —but I just wanted those facts for the record. I am not really partisan, but they alluded to other things that were—these are factual things.

Thank you for putting your name forward. I will turn it over to my colleagues.

**Mr. Christopher Conti:** Thank you.

**The Acting Chair (Mr. Lorenzo Berardinetti):** Ms. Mangat, and then Mr. Bradley.

**Mrs. Amrit Mangat:** Thank you, Chair.

Thank you, Mr. Conti, for your presentation. As you stated in your statement that you have been serving as a



full-time member since 2007, would you mind sharing with the committee members what your thoughts are on proposed changes to the board's role and mandate?

**Mr. Christopher Conti:** Sorry. To the—

**Mrs. Amrit Mangat:** Because there are proposed changes to the role and mandate of the board.

**Mr. Christopher Conti:** Well, as I said, I can't comment in too much detail about it because it might put me in a conflict of interest, but I think some of the changes are being driven by a lack of understanding of what the board does. As I said, we deal with adjudication and mediation and the resolution of disputes in that process. It seems that the proposed changes are maybe moving away from that process for some types of planning instruments. We are going to have to implement whatever changes do come forward in the legislation, and try to ensure that the processes that are in place are efficient and fair for everybody that comes before the board. We'll work to do that. It's going to take a substantial amount of change, though, in terms of the way we do things, from what I have seen. I'm not sure if the legislation will go forward exactly as it's written now. It's going to take some time to adapt to the new legislation. We're going to have to, I think, change our rules dramatically, but it's something that I am prepared to work on and work with the board leadership and ELTO leadership to carry out.

**Mrs. Amrit Mangat:** As you said, you will work on it. Can you tell us how you would provide leadership so that the transition is smooth?

**Mr. Christopher Conti:** I think it's a matter of consulting with the other leadership at our board and ELTO, with our staff and also with people from the ministry, I expect, and look at exactly what changes are required, then try to implement appropriate mechanisms to enact those changes in a way that still ensures fairness in our process and efficiency in our process.

I think I mentioned that it's not clear from the legislation to me how some matters will be dealt with. For example, we currently can consolidate appeals into one hearing from different legislation—the Planning Act and the Aggregate Resources Act. We also can consolidate appeals of different planning instruments into one hearing. I'm not sure how that would work under the new legislation, particularly when you have different processes for efficient plan amendments and zoning bylaws versus other types of planning instruments. Those sorts of things need to be worked out. I think that's something that certainly I am prepared to help with.

**Mrs. Amrit Mangat:** Thank you. I will pass it on to my colleague.

**The Acting Chair (Mr. Lorenzo Berardinetti):** Mr. Bradley.

**Mr. James J. Bradley:** I am interested in your observations on the anti-SLAPP suit legislation which the government initiated and was passed by the Legislature. It's my perception that proponents used to bully opponents. They always have more resources than the opponents. It's a one-sided show, very often, at a hearing, where you

have a challenge adjudicating when one side has all the resources and the other side doesn't. In your opinion and observation, does the SLAPP suit legislation go far enough in protecting those from frivolous and vexatious suits, intimidating suits by proponents, to shut up the people who are opposed to a proposal?

**Mr. Christopher Conti:** I don't really think I can comment in too much detail on that legislation. I'm not really familiar with the details of the legislation.

**Mr. James J. Bradley:** I won't get into your observations on conservation authorities other than to ask you the question: Would it be your opinion, as a former member of a conservation authority, that the role and responsibility of a conservation authority is to protect the natural environment and not to pave the way for developers to get their way with whatever is happening in an area?

**Mr. Christopher Conti:** Since I've left the conservation authority, that has been an evolving role, I think. Certainly you can interpret the legislation and the regulation of the conservation authority in that way. In the way that environmental protection is included as part of the regulation and the legislation, it's maybe—at least when I was there, it was written a bit loosely; let me put it that way. So it might have been harder to enforce, I think. It's an evolving thing where conservation authorities are doing more protection of the environment.

**Mr. James J. Bradley:** Do you believe that built heritage is given enough weight within legislation that you have to deal with? I do realize you have to interpret the legislation, regulation and policies of government when it comes to the OMB itself. Do you believe that heritage protection is sufficient in legislation and regulations now, from your observation of various cases which have been before the Ontario Municipal Board, including the Port Dalhousie tower?

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**Mr. Christopher Conti:** You're talking about built heritage?

**Mr. James J. Bradley:** Yes.

**Mr. Christopher Conti:** In the cases I have dealt with, yes. I'm not familiar with that particular case. I haven't dealt with many built heritage cases, but the ones I have dealt with: Yes, it has been sufficient.

**Mr. James J. Bradley:** The words "intervenor funding" strike fear into every finance minister in the history of Ontario. Do you believe that intervenor funding would make it easier or would make it a fairer opportunity for people if there were intervenor funding for opponents than it is without intervenor funding?

**Mr. Christopher Conti:** Certainly I tend to agree that at times there is an unlevel playing field in hearings where groups that are unrepresented or are basically lay people have a harder time presenting compelling evidence at a hearing that can be given appropriate weight, or maybe the weight it should be given. So I think I would agree that some mechanism to level the playing field would probably be useful. I'm not sure if intervenor funding is the way to go or if some other mechanism



could be used. When members of the public come before me at hearings, I take their concern very seriously—

**The Acting Chair (Mr. Lorenzo Berardinetti):** I'm going to have to cut you off, sir. Sorry; we reached the 10-minute mark. I'm trying to be fair.

**Mr. James J. Bradley:** Just when it was getting good.

**The Acting Chair (Mr. Lorenzo Berardinetti):** Well, finish your sentence, then.

**Mr. Christopher Conti:** I take their concerns very seriously and try to give appropriate weight to what they say, but often if it's being balanced against expert-opinion evidence, it's difficult to decide in their favour.

**The Acting Chair (Mr. Lorenzo Berardinetti):** Okay, thank you. We will now move on to the official opposition: Mr. Oosterhoff.

**Mr. Sam Oosterhoff:** If you have anything else to say along that line, feel free to use some of our time, if you wish to speak further.

**Mr. Christopher Conti:** I just think that there can be an imbalance. If there's a mechanism to help level the playing field, I think that might be useful. I was involved in a number of environmental issues with community groups on a volunteer basis before I came to the board, and I know that was always something that was difficult in getting our issues considered seriously when we go up before various bodies and make presentations. So I think that's something that might be useful.

**Mr. Sam Oosterhoff:** I have a question. I was just doing a little bit of Googling about some recent articles about the OMB while we were sitting here, and one of the unfortunate things, perhaps, is that there seems to be this sense from the general public, or at least from the people who are writing these articles, that the OMB shows favouritism towards developers. How do you think you could address that perception or, if that's more than a perception, level that?

**Mr. Christopher Conti:** I think it's an incorrect perception.

**Mr. Sam Oosterhoff:** Perfect.

**Mr. Christopher Conti:** It might be a perception, but I think it's not accurate.

**Mr. Sam Oosterhoff:** So how do you address that, then?

**Mr. Christopher Conti:** I've never seen a really detailed analysis that I think would really identify in a fair way how the board makes decisions or if it favours one side or another. I have heard the criticism that board decisions do not end in favour of municipalities often. But in order to really do the analysis, you have to look at what evidence was provided at the hearing.

Did the municipality appear to provide any evidence? I know that many times, I'd say the vast majority of times where I decided against a municipal position—in my hearings, anyway—either the municipality hasn't appeared to present any evidence or it had taken a position against the advice of their own professional staff. So if they're not there to provide evidence, then obviously your decision is likely to go on the other side, which may be for the landowner or developer. If that's

part of the equation then I think that it's really not fair to consider those decisions as being in favour of the developers because there was only evidence on one side.

**Mr. Sam Oosterhoff:** That was really my only question.

Did you have any questions?

**Ms. Laurie Scott:** No, that's fine.

**Mr. Sam Oosterhoff:** Thank you very much.

**Mr. Christopher Conti:** You're welcome.

**The Acting Chair (Mr. Lorenzo Berardinetti):** Thank you, Mr. Conti. You may step down now. We are going to move on to our next deputation, and then we will be able to consider the appointments.

**Mr. Christopher Conti:** Thank you.

#### MR. ANDREW MCBRIDE

Review of intended appointment, selected by official opposition party: Andrew McBride, intended appointee as member and vice-chair, Agriculture, Food and Rural Affairs Appeal Tribunal and member, Board of Negotiation.

**The Acting Chair (Mr. Lorenzo Berardinetti):** Our next presentation is from Mr. John Andrew McBride, nominated as member and vice-chair, Agriculture, Food and Rural Affairs Appeal Tribunal.

Good morning. I don't know if you have been watching today, but we do about a five-minute presentation, and each party gets to question you for 10 minutes.

**Mr. Andrew McBride:** Thank you, Mr. Chairman, ladies and gentlemen. I'm a retired consulting professional engineer, and I live in Wingham, Ontario.

During my 38-year working career, I was involved in most activities that can occur under the Ontario Drainage Act, such as:

- reviewing proposed projects on behalf of conservation authorities;

- preparing engineer's reports for new projects and improvements of existing projects;

- acting as drainage superintendent for a number of municipalities and undertaking repairs to municipal drains;

- appearing before the appeal tribunal and the drainage referee, to defend some of these projects;

- appearing before the drainage referee as an expert witness;

- serving on and chairing the engineers' provincial land drainage committee;

- serving on the board of directors of the Drainage Superintendents Association of Ontario; and

- dealing with the drainage section of the Ministry of Agriculture, Food and Rural Affairs on a regular basis.

During my years as a drainage engineer, I was aware that at times the minister had difficulty finding experienced retired engineers to sit on the tribunal and provide qualified professional advice to that body. Such membership is essential to the operation of the tribunal, as there are numerous appeals under the Drainage Act every year.



Accordingly, sometime after my retirement at the end of 2008, I put my name forward to the Public Appointments Secretariat for a position on the tribunal. In this way, I thought I could give back to my profession and to the drainage industry that supported me for over 30 years. In November 2013, I was appointed to the tribunal for a two-year term. In November 2015, I was reappointed for a three-year term, and currently am a member.

To date, then, I have been a member of the tribunal for over three and a half years. I have sat on 24 hearings and I have written the decisions for about 20 of those hearings.

Earlier this year, the tribunal chairman advised me that he had recommended to the minister that I be appointed as a vice-chair of the tribunal due to my professional qualifications, my extensive experience with the Drainage Act and my performance over the past three years.

I understand that the chairman did the same for the other engineer on the tribunal, Mr. Dries, and your committee approved his appointment this past April, and that a new engineer, Mr. McIntosh, was approved as a vice-chair by your committee in May.

I think this brief introduction brings us to the point where we are today, Mr. Chairman. Thank you.

**The Acting Chair (Mr. Lorenzo Berardinetti):** Thank you. We will start our questioning now with the government and, first of all, Ms. Mangat.

**Mrs. Amrit Mangat:** Thank you, Mr. McBride, for appearing before the committee. You have an impressive résumé, for sure. Can you share with us how your experience would be helpful to the board in quick and fast dispute resolution?

**Mr. Andrew McBride:** How it would be beneficial to the board?

**Mrs. Amrit Mangat:** Yes, how it would be helpful to the board.

**Mr. Andrew McBride:** My experience?

**Mrs. Amrit Mangat:** Yes.

**Mr. Andrew McBride:** The tribunal hears appeals under 17 different agricultural acts. My experience is just with one of those acts, the Drainage Act. Every year, on average, there are 15 to 17 appeals to the tribunal under the Drainage Act. Most people in the province have never heard of the Drainage Act and don't understand it, so the tribunal needs an experienced person to sit on those appeals and provide expert advice to the other members of the tribunal.

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Normally, we sit as a panel of three. The chair of any particular hearing is a lawyer—because our process follows the Statutory Powers Procedure Act. For a drainage hearing, we have a lawyer, we have a retired drainage engineer, and we have a third person with agricultural experience.

**The Acting Chair (Mr. Lorenzo Berardinetti):** Any other questions? No?

We'll move on to the opposition: Ms. Scott.

**Ms. Laurie Scott:** Unfortunately, I've heard a lot about the Drainage Act in my tenure as MPP of Haliburton-Kawartha Lakes-Brock. There are always lots of discussions and divisions, of which I'm sure you're more well versed than I. But I just wanted to share a little bit of empathy with the Drainage Act discussions that go across rural Ontario predominantly.

Thank you for wanting to do this. Having someone with the background about how the Drainage Act works is of extreme benefit. Of course, I usually send it over to the municipalities, which usually have their own drainage board members, and try not to interfere too much. But they are very complex situations at times.

In the Kawartha Lakes area of my riding—I'm sure you know it well. I'm sure you can't disclose, but if there's any example you want to use to share with the committee—

**Mr. Andrew McBride:** I've been there.

**Ms. Laurie Scott:** I'm sure you have.

It's really hard to ask any specific questions on the Drainage Act.

I'm happy that you wanted to put your name forward for this position.

I don't know if there's anything else you want to share with us, unless you could share some details of—are things getting better over the years?

**Mr. Andrew McBride:** No.

**Ms. Laurie Scott:** Are things getting worse?

**Mr. Andrew McBride:** A little bit, yes.

**Ms. Laurie Scott:** Is that predominantly due to any pieces of legislation that need adjustments?

**Mr. Andrew McBride:** My observation in the last three and a half years—there are two things. Development is creeping out farther from the large urban centres—which you can't disagree with or agree with, the fact that it should or shouldn't. But that has resulted in a number of developers using the Drainage Act to obtain drainage outlets for their subdivisions. The area that comes to my mind immediately is the city of Ottawa. We've had two or three controversial hearings there. Is that the right use of the Drainage Act? The law permits it, so yes, it is.

The other thing is that because there is a lot of drainage work available in the province—and there probably will be even more after the spring we've had this year—I am somewhat ashamed to say that engineers without proper experience are getting involved in doing drainage work, and it has resulted in some difficult situations. The Drainage Act work is not complicated engineering, but working under the Drainage Act is somewhat complicated because it's a combination of engineering and law. You can't graduate from university and start doing drainage engineering work under the Drainage Act. There are very few experienced drainage engineers in the province. It's not the most attractive field to get into, so there aren't that many young engineers getting into that field.



**Ms. Laurie Scott:** So there's an awareness problem. Is the demand going to increase for drainage-specific engineers?

**Mr. Andrew McBride:** I would think so.

**Ms. Laurie Scott:** Should that be looked at as some type of qualification before entering into these cases? Making it too complicated—as you've somewhat described, it becomes more of a problem than it needs to be.

**Mr. Andrew McBride:** It may be difficult to do. It would have to be done through the association of professional engineers. The land drainage committee, the committee I referred to that I chaired a number of years ago, is making extreme efforts to go to the educational facilities—the universities, mainly—and convince young students to look at this field as one where they could concentrate their efforts. Water resources courses are the most applicable for somebody to move into this field. But as you said, it's somewhat controversial, and you have to have a thick skin sometimes.

**Ms. Laurie Scott:** Very much so. That's why I was just wondering if you had any recommendations—from our side, anyway—that change is needed. But I like the education, the awareness and pushing it through that venue.

**Mr. Andrew McBride:** That's the best way to go at the moment. I believe you probably have members of the Legislature sitting on the Professional Engineers Ontario board. Perhaps you could ask them about that.

**Ms. Laurie Scott:** I don't think so, but we meet with the professional engineers several times a year usually, regularly. That's very good information.

Is there anything else that we should be made aware of that is occurring? We wouldn't necessarily know what's going on in Ottawa, so I'm glad you brought that example up, and the fact that developers are now using the Drainage Act. I wasn't really aware of that either.

**Mr. Andrew McBride:** No, I don't think so. It has been a little bit of a difficult time for our small tribunal staff, because we've had a retirement and a couple of illnesses, but we've been able to get along. The chairman has had a difficult time, I'm sure.

**Ms. Laurie Scott:** Thank you very much. I think my colleague wants to ask you a couple of questions.

**The Acting Speaker (Mr. Lorenzo Berardinetti):** Mr. Oosterhoff.

**Mr. Sam Oosterhoff:** Thank you for making us aware of some of these issues with the Drainage Act. It's not something that we think about every day—

**Mr. Andrew McBride:** No, most people don't.

**Mr. Sam Oosterhoff:** —but it definitely has an impact on our day-to-day in ways that can be drastic.

It says that for 2015, the most recent survey, the tribunal reported a decrease in the overall satisfaction of clients, with a rate of 91.7% compared to 97.1% in 2014. I'm just curious why you think that occurred. Maybe it's just a blip? No reason? Bad weather?

**Mr. Andrew McBride:** Well, I don't think the response rate to our questions about satisfaction is very

high. Of course, as the lady next to you mentioned, with most drainage issues, somebody is unhappy. If you ask five people and three who are unhappy reply and only two who are satisfied—and usually the people who are unhappy prefer to respond than people who are satisfied.

I actually have this year's annual report in front of me, but you probably don't want to take the time for me to look up what the response rate is.

**Mr. Sam Oosterhoff:** No worries. I was just curious, but I didn't have any pressing questions.

Thank you very much for volunteering your services and for being willing to sit on the tribunal. We really appreciate all the work that you do.

**The Acting Chair (Mr. Lorenzo Berardinetti):** We'll move on to the third party: Mr. Gates.

**Mr. Wayne Gates:** I'm going to apologize to John before I get going. The Liberal MPP talked about the auto crisis with the last delegation, around the crisis that happened in the auto sector. I was at the bargaining table at that point in time, as president of CAW Local 199. He's absolutely wrong on the fact that—comparing it to a bailout. It was actually a loan that was paid back with shares and cash. He was right that the Ontario PCs were clear that they don't pick winners or losers and said to let the auto industry die, which would have caused not only plants in my riding to close up, but it would have made retirees lose all their benefits and two thirds of their pension. I want to clear that up. I apologize to you, but I'm not going to allow a Liberal member over there to say something that's not accurate. So I do apologize that I started off like that.

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I almost died at the bargaining table during that period of time, by the way. I'm very passionate about what transpired there.

Having said that, John, welcome here today. Could the witness speak generally about his reasoning for seeking the appointment to the Agriculture, Food and Rural Affairs Appeal Tribunal, and how his past experience will assist him in this new role?

**Mr. Andrew McBride:** First of all, sir, it's not a new role. I've been on the tribunal for three and a half years. I believe in my opening comments I covered that question. I said that in my experience, the minister has had difficulty finding experienced retired engineers to sit on the tribunal, and that after my retirement, I thought it would be a way to give back to my profession and to the industry that supported me for 30 years, to be available for that.

**Mr. Wayne Gates:** It's nice that you're doing that. You also give back to the Lions Clubs, which do incredible work not only where you are from, but certainly down in my riding of Niagara.

**Mr. Andrew McBride:** Yes, they do.

**Mr. Wayne Gates:** They've actually celebrated some great anniversaries—75 years, 60 years, 100 years down in our area, which you're probably aware of. But having said that, we need more volunteers for our Lions, our



Legions, our Rotaries and all of the other service clubs. So I thought I'd throw that out, seeing as I mentioned it.

An issue that I think is important, and I'd love to hear your comment on it: Workers at MedReleaf, which is a medical marijuana growing facility, have applied to the tribunal under the Agricultural Employees Protection Act, as they seek to garner representation from UFCW to bargain collectively.

It is my understanding that the agriculture sector had some issues in the past with unionization. What role does the witness believe the tribunal plays in handling labour disputes and the unionization of workers?

**Mr. Andrew McBride:** I know very little to nothing about that subject, sir. I'm sorry. I only said—

**Mr. Wayne Gates:** I could tell by the look on your face. You said, "What is he talking about?"

**Mr. Andrew McBride:** No, I know exactly—

**Mr. Wayne Gates:** It's all good; it's all fine.

**Mr. Andrew McBride:** I know exactly what you're talking about because—

**Mr. Wayne Gates:** It's important to get on the record about that issue. It is an important issue. Quite frankly, medical marijuana growing facilities are coming up all over Ontario and maybe right across the country. There are some in Niagara as well, and they're looking to expand down there.

**Mr. Andrew McBride:** I can read to you what is in our annual report, but you'll be able to read it yourself, soon.

**Mr. Wayne Gates:** It's fine. No, I appreciate that.

**Mr. Andrew McBride:** It's out of my field of expertise. Fortunately, some members of our tribunal have expertise in that field, but that's not me.

**Mr. Wayne Gates:** I'm sure they do, and I'm sure that the tribunal will assist in this ongoing issue as it's discussed further. I appreciate your honesty.

In September 2015, the Association of Ontario Chicken Processors, AOCP, filed an appeal against the policies of the Chicken Farmers of Ontario, which rations supplies of live chickens to processors. This is part of a long-standing and broader issue between the two groups, which has been based on the merits of their supply management policies, such as the quota system. In March of this year, the tribunal rescheduled this hearing between the two groups for the fourth time.

What is the view of the witness on the benefits of supply management in the Ontario chicken industry, and how could you use your past experience to address this contentious issue?

**Mr. Andrew McBride:** I have no comments, no experience and no expertise, sorry. Other people on our tribunal do.

**Mr. Wayne Gates:** All I can say is okay. There's nothing else I can say on that. It's a very important issue that you're aware of—

**Mr. Andrew McBride:** It is. I'm aware of it, but it's not one that I would be asked to sit on.

**Mr. Wayne Gates:** No, that's fair. I think I am 0-2 on questions, so that's fine. I appreciate it.

This one here, I'm sure you can answer: What contribution do you hope to make as a vice-chair of the tribunal?

**Mr. Andrew McBride:** Well, I was wondering if that might come up when you asked the previous nominee about that.

**Mr. Wayne Gates:** I save the best for last.

**Mr. Andrew McBride:** The chairman of the tribunal has not told me that I will have any additional responsibilities at this time. As I mentioned earlier, there are only two engineers on the tribunal. We have approximately 20 drainage hearings a year. That means each of us goes to about 10. We normally write those decisions. Between travelling to the hearings—because the drainage hearings are held in the municipality where the project is proposed. Sometimes, for example, if it's in Ottawa, it takes me a day to get there, three days of hearings and a day to get home, and then I write the decision. We're busy enough working on the actual Drainage Act appeals. I don't foresee any additional responsibilities forthcoming, but if the chairman asks, I will do my best to fulfill those.

**Mr. Wayne Gates:** No, I appreciate that.

I don't know if I have any more questions, other than this: What are your concerns around global warming when it comes to agriculture?

**Mr. Andrew McBride:** I have concerns. We have experienced significant rainfalls that have caused tremendous problems, tremendous property damage and crop damage in various places at various times, certainly in the Huron-Perth-Wellington area this year, and probably in some other parts of the province. If that's caused by global warming, I'm very concerned about it—and the high runoffs at spring runoff time as well. It's certainly affecting the drainage industry. Whether we need to raise our design standards to deal with higher-frequency storm events—which means the cost of projects increases, which means people are even more upset with costs—it's a difficult issue and it's certainly a concern.

**Mr. Wayne Gates:** I don't know if you want to reply to it, but I'll go on record that I absolutely believe that global warming is here. If we want to protect our kids and our grandkids and our supplies of food and water, we'd better figure it out quickly before it's too late, maybe not for myself—I'm a little older, maybe like yourself—but for our kids and our grandkids and their kids and grandkids. If you don't have food and you don't have water, you're in big trouble.

It's a very important issue and I'm glad you addressed it. Thank you for being here today.

**Mr. Andrew McBride:** Thank you.

**The Acting Chair (Mr. Lorenzo Berardinetti):** Thank you, Mr. McBride, for coming here today.

We're now going to move into concurrences, committee. I'm going to ask the questions for the concurrences for the people that we heard from today.

We will now consider the concurrence for Karen Drake, nominated as member, Human Rights Legal Support Centre for the province of Ontario. Mr. Dong.



**Mr. Han Dong:** I move concurrence in the intended appointment of Karen Drake, nominated as member, Human Rights Legal Support Centre for the province of Ontario.

**The Acting Chair (Mr. Lorenzo Berardinetti):** Any discussion? All in favour? Opposed? That carries.

We'll now consider the concurrence for Linda Pim, nominated as member, Niagara Escarpment Commission. Would someone please move concurrence? Mr. Dong.

**Mr. Han Dong:** I move concurrence in the intended appointment of Linda Pim, nominated as member, Niagara Escarpment Commission.

**The Acting Chair (Mr. Lorenzo Berardinetti):** Any discussion? All those in favour? Opposed? That carries.

We will now consider the concurrence for Paul Wallis, nominated as member, council of the Ontario Professional Foresters Association. Mr. Dong.

**Mr. Han Dong:** I move concurrence in the intended appointment of Paul Wallis, nominated as member, council of the Ontario Professional Foresters Association.

**The Acting Chair (Mr. Lorenzo Berardinetti):** Any discussion? All those in favour? Opposed? That carries.

We will now move to consideration of the concurrence for Mr. John Stasiw, nominated as member, council of the College of Midwives of Ontario. Mr. Dong.

**Mr. Han Dong:** I move concurrence in the intended appointment of John Stasiw, nominated as member, council of the College of Midwives of Ontario.

**The Acting Chair (Mr. Lorenzo Berardinetti):** Any discussion? All those in favour? Opposed? That carries.

We will now consider the concurrence for Mr. Christopher Conti, nominated as member and vice-chair, Ontario Municipal Board. Mr. Dong.

**Mr. Han Dong:** I move concurrence in the intended appointment of Christopher Conti, nominated as member and vice-chair, Ontario Municipal Board (Environment and Land Tribunals Ontario).

**The Acting Chair (Mr. Lorenzo Berardinetti):** Any discussion? All those in favour? Opposed? That carries.

Finally, we will consider the concurrence for Mr. John Andrew McBride, nominated as member and vice-chair, Agriculture, Food and Rural Affairs Appeal Tribunal and member, Board of Negotiation. Mr. Dong.

**Mr. Han Dong:** I move concurrence in the intended appointment of John Andrew McBride, nominated as member and vice-chair, Agriculture, Food and Rural Affairs Appeal Tribunal and member, Board of Negotiation.

**The Acting Chair (Mr. Lorenzo Berardinetti):** Any discussion? All those in favour? Opposed? That carries.

Those are all the appointments for today. Congratulations to those who have been appointed. This meeting is now adjourned.

*The committee adjourned at 1201.*







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Mr. Han Dong (Trinity-Spadina L)

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Research Services